

5 SEPTEMBER 1947

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Cross by Colonel Mornane

(Witness excused)

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I N D E X
Of
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2245	3096		Translation of the Tele- graphic Report to Geneva of his Inspection of the POW Camp, Representative in Japan of the Internat- ional Red Cross Society		27679
	3097		Manual of War-Time Serv- ice	27689	
2090(1)	3097-A		Excerpt therefrom		27689
2203	3098		Affidavit of NISHIURA, Susumu		27693
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Friday, 5 September 1947

- - -

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

- - -

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE R. B. PAL, Member
from India, not sitting from 0930 to 1600; HONORABLE
JUSTICE LORD PATRICK, Member from the United Kingdom
of Great Britain and HONORABLE JUSTICE E. H. NORTHCROFT,
Member from the Dominion of New Zealand, not sitting
from 1330 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

- - -

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Freeman.

4 - - -

5 S A B U R O K O S F I, called as a witness on
6 behalf of the defense, resumed the stand and
7 testified through Japanese interpreters as follows:

8 DIRECT EXAMINATION

9 MR. FREEMAN: If the Tribunal please, I
10 begin on page 5 of exhibit 3095 where we stopped
11 yesterday.

12 THE PRESIDENT: This is the third term from
13 around October 1944 to the end of the war.

14 MR. FREEMAN (Reading): "During this term
15 the administering system was the same as in the Second
16 Term. With the pressing of the war situation and the
17 military requirement, the authorities hastily establish-
18 ed at Shilingolingo and Airupaminke near Lamtprapat which
19 was under my charge new detention camps in which all
20 internees amounting to some 7,000 in North Sumatra zone
21 were to be held. The detention camp of Shilingolingo
22 was for the male, while that of Airupaminke was for the
23 female and children. The former was newly built for
24 that purpose, and the latter were buildings which had
25 been used by a certain farm.

1 "It is true that in the both camps living,
2 housing and sanitation were not in a satisfactory
3 condition. The detention camp for the female and
4 children was in a little better condition than that
5 for the male.

6 "I sympathized for the interned who were
7 living a hard life as food and other materials became
8 scarce. However, that was caused by the military
9 situation, and we could not help it.

10 "II. When TANABE, Commander of the 25th
11 Army, made an inspection (around June, 1945) (Showa
12 20), I happened to hear him and Division Commander
13 KUNOMURA talking to each other. The improvement of
14 the detention camp was the main subject of their talk.
15 And soon after that time (about the middle of July,
16 1945 (Showa 20)) Chief Staff of the 25th Army, YAHAGI,
17 on the occasion of his first inspection, delivered an
18 address to the officials of the detention camp. I
19 stood by him. In that address he made remarks general-
20 ly and minutely on the treatment of the interned.
21 Indeed, its contents were based upon humanity and the
22 international law. He, pointing out the officials'
23 inattentions one by one, rebuked them and showed
24 clearly the rules of treatment to be followed. I
25 listened to this address which deeply touched me. So

1 far as I know, the order from above relative to the
2 treatment of the interned was thoroughly based upon
3 the international law and humanity. But I admit that,
4 owing to the inattention of quite a few persons at
5 the inferior offices or to special situations of these
6 days, there were cases where the orders were not per-
7 fectly observed.

8 "I believe, however, that the detention
9 camp was, as a whole, in a satisfactory condition prior
10 to the Third Term.

11 "III. When I was in office, I was called a
12 gentleman by European people, a Klamat by the native
13 and a Tajen (a gentleman) by Chinese people. At the
14 time when I left for Japan, I was specially given a
15 farewell address by an English prosecutor to the
16 following effect: 'On behalf of each European
17 people, I should like to express to you our deepest
18 gratitude for your treatment of us European peoples
19 during the war.' I hear that witness Linhare acknow-
20 ledged at this court the goodness of my treatment of
21 the interned. In this connection, I must say that I
22 owe all my honor to the guidance and instruction given
23 by Division Commander MUTO. Next, I will refer to my
24 relations with Division Commander MUTO.

25 "IV. Relations between me and Division

1 Commander MUTO.

2 "As military government in Sumatra was being
3 performed by the military government department of the
4 25th Army, a division commander at the place had
5 nothing to do with military government, nor had he a
6 right to order the governor of each residency concern-
7 ing military government. Accordingly Division Commander
8 MUTO had nothing to do with military government and the
9 detention camp, nor had he any relations with me in the
10 matter of order and direction.

11 "I heard that Division Commander MUTO
12 arrived at his new post on Sumatra in the middle of
13 May, 1942 (Showa 17). He left Sumatra for his next
14 duty early in October, 1944 (Showa 19). Accordingly,
15 Division Commander MUTO stayed on Sumatra all
16 through the period of the above-mentioned first and
17 second terms. During this period North Sumatra was
18 generally in a quiet condition except the food situation
19 (above all rice). The policy of the treatment of the
20 Third State's people and the interned was to have them
21 collaborate in military government. The internment
22 life was still in good condition. It was not long after
23 I arrived at the post that I saw Division Commander
24 MUTO for the first time. It so happened that I saw him
25 when he took a rest at the official residence of Asahan

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23 I arrived at the post that I saw Division Commander
24 MUTO for the first time. It so happened that I saw him
25 when he took a rest at the official residence of Asahan

1 Assistant Resident which was located in the city of
2 Tanjong Valley. Now I should like to state what I
3 remember of those matters instructed by Division
4 Commander MUTO every time when I met and talked with
5 him.

6 "(a) August 16, 1942 (Showa 17) (At the
7 Assistant Resident's official residence in the city
8 of Tanjong Valley).

9 "It was right after my arrival, and I was
10 just taking over the official duties from the
11 predecessor, Army Lieutenant YAMADA. I told the
12 Commander what I had known for myself since my
13 arrival and the condition of the Sub-Residency which
14 I had learned from the predecessor. Then I requested
15 him to give me a word of instruction which I, as
16 Assistant Resident, should bear in mind in order to
17 carry on military government. In compliance with my
18 request he told me as follows:

19 "(1) 'During a short period of time
20 following the occupation of Sumatra, a military
21 officer was in charge of military government. But
22 I hope that you, as a civil official, will do daringly
23 what you believe the best regardless of precedents
24 set by soldiers.'

25 "(2) 'You cannot secure public peace

1 without winning the natives' heart, nor can you
2 realize any ideal without securing public peace. It
3 is a matter of importance that you should pay full
4 consideration and attention to this respect.'

5 "(3) 'As the internees of the enemy nation
6 are to be sympathized for, you must look after them
7 with full compassion. The location of the detention
8 camp must be made prudently for fear lest any of the
9 native or any disgraceful one of the soldiers should
10 commit unlawful acts upon the interned and thus you
11 must secure its safety.'

12 "(b) January 25, 1943 (Showa 18) (At the
13 Division Commander's official residence in Medan)

14 "Calling on Division Commander MUTO at his
15 official residence, I set forth the following plans
16 which I had made in accordance with his suggestion
17 given to me on the occasion of his first inspection:
18

19 "To get together at one place several deten-
20 tion camps then scattered over the city of Tanjong
21 Valley.

22 "To take measures concerning their life,
23 sanitation and entertainments.

24 "To have a Netherland doctor reside outside
25 the camp with his family and have his work for the
health of the interned and the native.

1 "He looked much pleased with these plans and
2 urged me to carry them out promptly. I added that it
3 was uneconomical for us to let them idle away at the
4 time when the food situation grew worse. Then he said
5 to me, 'Since compulsory labor is prohibited accord-
6 ing to the international law, always encourage them
7 to work voluntarily and do your best to supply the
8 prescribed quantity of food.'

9 "He also told me as follows:

10 "'In any country a child is a treasure.
11 So let not children in the detention camp merely
12 play all day, but have them study for themselves.
13 You may for them collect text books which they
14 possibly possess in their respective homes.'

15 "He further told me as follows:

16 "'The Imperial Army must maintain its
17 strict military discipline. But since various kinds
18 of army corps have come here to Sumatra these days, I
19 cannot tell what kind of person is included in them.
20 Whenever you find anyone act indiscreetly, let me know
21 right away.'

22 "He also pointed out that we ought to treat
23 as gentlemen all internees working in the plantation
24 or in other places.
25

"(c) Around August 1943 (Showa 18)

1 "(When Division Commander MUTO inspected
2 Wilhelmina Fall. At the Assistant Resident's lodging
3 at Kisaran)

4 "I was looking forward to the inspection
5 tour of Lieutenant-General MUTO. The Division Com-
6 mander at his interview with me told the following
7 matters:

8 "(1) 'In order to carry out military
9 government successfully, you must push Sultan forward.
10 You must be always prudent when you make any re-
11 vision of the old way of administration.'

12 "(2) 'Foodstuff (rice) is the most im-
13 portant to the people. So you ought to make great
14 efforts for the increase of food production. How-
15 ever, when control goes too far, the circulation of
16 foodstuff will be hindered and people's productive
17 desire will be oppressed.'

18 "(3) 'You should make full use of the
19 economic activity of Chinese merchants. To this end
20 you must have Chinese merchants feel easy.'

21 "(4) 'You should expel bad Japanese people
22 from your jurisdiction.'

23 "On Japan's politics which I referred to,
24 Division Commander MUTO said, 'I do not like the
25

1 rightist wing. Japan's idea ought to have more
2 universality. The Japanese must work more and ob-
3 serve the world.

4 "(b) Around September, 1944 (Showa 19)

5 "(At the time when Division Commander MUTO
6 made inspections right before his start for his next
7 post. At Kisaran Assistant Resident's lodging.)

8 "At the time when I saw him at Kisaran
9 Assistant Resident's lodging, he expressed various
10 opinions. Among them, I remember there were the
11 following words:

12 "'Japan's government has recently promised
13 Indonesians' independence. But I feel extremely
14 discouraged to see Sultans clinging yet to the
15 feudalistic sultan government. It is necessary for
16 the military government officials concerned to lead
17 them well.'

18 "Division Commander MUTO, as I mentioned
19 just before, had nothing to do with me concerning the
20 command system and the business system. Neverthe-
21 less, I personally and voluntarily requested
22 Division Commander MUTO at every chance to express
23 his opinions on the performance of military govern-
24 ment. Based on these opinions I transacted the
25 business of military government for more than three

1 years and gained good results. Therefore, I am
2 still very grateful to him for his guidance.

3 "On this 12th day of June, 1947."

4 You may cross-examine.

5 THE PRESIDENT: Colonel Mornane.
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CROSS-EXAMINATION

BY COLONEL MORNANE:

Q Witness, is this the compliment to which you refer in the evidence of Major Linhare: "I may say only one Japanese who was a resident of Asahan Province, a civilian named KOSHI, did try his best to relieve the women internees of their sufferings." Is that the compliment to which you referred in your evidence?

A Yes. I really don't understand the point in the question.

THE PRESIDENT: It is sufficient if you understand the question.

Q Witness, you have referred to seven internee camps. Were they the only camps over which you had control during the period of your regime in Sumatra?

A Yes, only seven on the eastern coast.

Q Well now, do you know a place called Sentar? S-e-n-t-a-r.

A I do not know.

Q With regard to these camps over which you had control, on account of your other military government duties you could only spend a very short time there, I take it?

1 A Yes. It was just a part of my duties.

2 Q For instance, take the Tanjong Valley camp,
3 you may only see that once in a fortnight?

4 A The Tanjong Valley was a very small town
5 and at first I visited the camp very frequently.

6 Q What do you mean by "very frequently"?

7 A I might say, for instance, that whenever
8 any requests came from the camp, or whenever any
9 problems arose in the camp, I went there personally
10 to dispose of such matters. However, in the later
11 stages, due to pressing business in military govern-
12 ment, I could not go as often.

13 Q But would that be as frequently as once a
14 fortnight or once a month in the early stages?

15 A Of course I went very often, more often
16 than that.

17 Q More often than that. Well now, evidence
18 has been given here that at Tanjong Valley, somewhere
19 in January 1943, I believe, that food was withheld
20 from the women internees for two days as a punish-
21 ment. Can you say whether that did or ~~did~~ not
22 happen?

23 A I have no knowledge of anything of that
24 sort in camps under my own administration.

25 Q It has also been sworn that women in that

1 camp were forced to sweep the village streets. Have
2 you any knowledge of that?

3 A I have no knowledge.

4 Q By that you mean you can neither affirm nor
5 deny?

6 A Yes, that is so.

7 Q With regard to Brastagi Camp, evidence was
8 given that on account of lack of food an outbreak
9 took place among the women and as a result the Kempei-
10 tai came in and carried out an investigation, and
11 corporally punished the women. Do you know anything
12 about that?

13 A It seems that the place name is a little
14 different. Would it not be Brestagi?

15 Q The way we spelled it is B-r-a-s-t-a-g-i.

16 A I have heard that women internees at
17 Brastagi had left the camp without any authoriza-
18 tion or permission, but I do not know what happened
19 to them in the way of disposition of the matter.

20 Q You made no inquiries about that?

21 A I did not carry out an investigation.

22 THE PRESIDENT: Did you have any complaints?

23 THE WITNESS: I do not know any details or
24 particulars with respect to Brastagi because that
25 was outside of my administrative jurisdiction. I was

1 resident governor of Asahan only.

2 Q You referred to Brastagi in your evidence.

3 A I merely mentioned in the first part of my
4 affidavit that there was a detention camp at Bras-
5 tagi also, although my administrative jurisdiction
6 was confined only to Asahan on the eastern coast.

7 Q In the first part of your evidence you
8 referred to five camps located "in the cities of
9 Medan, Blastagy, Shantal, Binjay, Tanjon Valley."
10 Is that not correct?

11 A Just merely a mention of the fact that
12 there were camps at those five places.

13 Q And which of those camps came within your
14 jurisdiction?

15 A Tanjong Valley was under my administration.

16 Q Was that the only camp under your administra-
17 tion up to March of 1944?

18 A Yes, it was under my administrative control
19 from August 1942 to March 1944.

20 THE MONITOR: Strike out that "yes", please.
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1 Q The question I am asking is this, was the
2 Tanjong Valley Camp under your control during that
3 period?

4 A Yes.

5 Q And, that is the only camp to which your
6 evidence refers during that period?

7 A Of course, the camp at Tanjong Valley was
8 the only camp under my direct control, but I have
9 also stated from my knowledge, from what I have
10 heard and saw in the other districts during my stay
11 of three years there.

12 COLONEL MORNANE: The evidence in relation
13 to the camp referred to, if the Tribunal please,
14 appears at page 27,532 of the record.

15 MR. FREEMAN: May the witness be excused?

16 THE PRESIDENT: The witness is excused on
17 the usual terms.

18 (Whereupon, the witness was excused.)

19 MR. FREEMAN: I next offer in evidence
20 defense document 2245, which is a telegraphic report
21 to Geneva of his inspection of the prisoner of war
22 camp, Mukden, by Pestallocchi, representative in Japan
23 of the International Red Cross Society.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Defense document 2245

1 will receive exhibit No. 3096.

2 (Whereupon, the document above
3 referred to was marked defense exhibit
4 No. 3096 and received in evidence.)

5 MR. FREEMAN: I shall read into evidence
6 exhibit 3096:

7 "Re: Prisoner of War Camp, Mukden, Manchuria.

8 "Mail address: Prisoner of War Camp, Mukden,
9 Manchuria.

10 "Capacity of camp, 1500.

11 "Chief, Col. MATSUDA.

12 "No. of Prisoners,

13 "Officers: British 6, Australian 1,
14 American 16

15 "N.C.O.'s: British 29, Australian 5,
16 American 511

17 "Privates: British 49, Australian 10,
18 American 647

19 "Total: 1274

20 "Of these 84 British & 16 Australians were
21 transferred from Seoul and originally from Singapore.

22 "1174 Americans were transferred from the
23 Philippines, mostly from Bataan and Corregidor.

24 "Eldest: aged 57

25 "Youngest: aged 21

1 "Representatives: British Maj. Peaty

2 American Maj. Hunkins

3 Representatives of N.C.O.

4 British 1 American 1

5 Besides which Represent-

6 atives of Privates British 1

7 American 1

8 "Date of Inspection: 11 November 1943

9 "Situated on a fertile plain outside the city
10 of Mudken, opened on 20 October last year, quartering
11 began on 11 November of the same year. Transfer from
12 the temporary camp to the present one completed in
13 August this year.

14 "Total area of the camp 49330 sq. mtrs.

15 "Surrounded by a brick wall 2.6 mtrs. in
16 height, high-tension wire contraption on the walls.

17 "Area of the building for the use of
18 prisoners 11550 sq. mtrs. two-storied brick building
19 similar to a military barrack, tiled roof, connecting
20 wash-room and lavatories, double paned windows, wooden
21 floor.

22 "Hospital, canteen, store-room, bath-room,
23 boiler-room, ood-job room in separate building.

24 "Furnished with electric lights, heating by
25 Russian style pechika (brass pipes covered by bricks)

1 similar to that of military barracks. Period of use
2 from 10 November to 20 March ventilation excellent,
3 equipped with fire extinguisher.

4 "Living quarters of the prisoners comprised
5 of 3 buildings, each divided into ten compartments
6 with upper and lower bunks. Capacity of each compart-
7 ment 50, at present 42 to 46 men and 16 officers
8 quartered.

9 "Sleeping kit consists of 1 straw mattress,
10 6 army blankets, 2 sheets, 1 pillow, 1 pillow case,
11 and in the summertime a mosquito net. Orders are
12 issued in English translated from Japanese. Hygienic
13 equipment, wash-room, latrine, 120 water taps, 72
14 Japanese-style lavatories pailed out every week, 3
15 concrete bath tubs 3 mtrs. long 5 mtrs. wide & 1
16 mtr. deep, 222 bathe every other day, officers every
17 day. Change room for those assigned labor with coat-
18 hangers, 48 water-taps, excellent drainage, flush
19 toilet, disinfection by lime, mats disinfected by
20 dipping them in disinfectant, water provided from well
21 within the camp, drinking water boiled before use.
22 (water distributing tower under construction)

23 "Meals morning, noon, and evening. Each
24 person rationed in grams, wheat flour 400, kao-liang
25 80, maize 190, special ration for those assigned labor,

1 meat or fish meat 52 to 100, fat 25, vegetables in-
2 cluding potatoes 600, soya beans 200, some apples and
3 oranges, sugar 60, flavorings such as curry, pepper,
4 soy sauce, salt a little, kao-liang tea 20, average
5 calories 3800. For the invalid and those assigned
6 labour 4120 calories, Japanese army 3457 calories.

7 "At lunch time Pestallocchi sampled vegetable
8 soup, sweet potato pie, potato-onion-and-bean pie,
9 corn bread, ordinary bread and kao-liang tea. All of
10 excellent quality. Prisoners are satisfied with the
11 food but in the long run they feel the monotony.

12 "Personal weight in Dec. 1942 64.7 kilos

13 Today 69.1 kilos

14 "Prisoner's cooks 48, including baker, head
15 cook with 24 years experience. 24 large pans, 3 ovens
16 in the bakery, area of vegetable garden 5300 sq. mtrs.,
17 at present spinach is planted over 3500 sq. mtrs. Two
18 rooms for storing vegetables, carrots, cabbages, and
19 turnips storable till May 1944 stored.

20 "Health conditions, when first quartered be-
21 tween 700 to 800 severely ill. By the efforts of the
22 Headquarters Kwantung Army, General Army Hospital, and
23 the Red Cross Hospital, health improving and the present
24 conditions can be said excellent.
25

"A well-equipped sick room within the compound

1 supplied with medical apparatus and other necessities
2 that are supplied to places recognized as army hos-
3 pitals. Calls to patients are made by doctors among
4 the prisoners and surgeons. Dentistry at the General
5 Army Hospital Mukden.

6 "As an extraordinary measure, the entire
7 prisoners were injected against typhoid, para-typhoid
8 A and B, dysentery, and smallpox. Roentgen rays,
9 blood examination.

10 "As doctors, 1 Japanese surgeon, 3 N.C.O.
11 medical orderlies, 3 privates, 5 civilian nurses.
12 Prisoner doctors, 4 surgeons, medical orderlies N.C.O.'s
13 and privates totaling 29. Number of patients, infec-
14 tions dysentery 6 isolated, malaria 5, beri-beri 13,
15 influenza 2, acute enteritis 17 and 26 others total 69.
16 Out of which 43 in the camp hospital over an extended
17 period, 3 short and 23 exempted from duty. Since open-
18 ing of the camp, number of death, at Mukden 154, on
19 the way to and at Fusan 62, at Takao 6. The worst
20 month being December 1942, death rates gradually re-
21 ceding after that month. Death caused by acute enter-
22 itis, beri-beri, dysentery, acute pneumonia and malaria.

23 "Clothing provided every summer, winter and
24 in extreme winter. Extreme winter clothing consist-
25 ing of wool-lined overcoat, boots, wool cowl, woolen

1 gloves, socks and underwear. Besides which working
2 clothes, cap, cowl, and boots. Prisoners brought
3 their own raincoats and summer clothing, officers
4 only bringing clothing for all seasons. For laundry
5 a special washing equipment, soap provided. Finan-
6 cial conditions, officers' private savings ¥7,346.00,
7 the rest ¥734.00. Officers were paid the equivalent
8 pay the Japanese officers received.

9 "Roll call at 7 o'clock, lights out at 21
10 o'clock. Work voluntary and unconstrained, no work
11 on Sundays and holidays. Work consisting of maint-
12 enance and control of the camp and workshops. Men
13 paid up to 25 sen a day. A boot repair shop. 4 sew-
14 ing machines in the sewing room. Metal and lumber
15 workshops.

16 "At the canteen, cigarettes, candies, every-
17 day necessities, toilet goods and stationary sold.
18 Open on Sundays and Holidays, 4 barbers. Profits are
19 used according to the prisoners' wishes. Men allowed
20 10 cigarettes a day and officers more. Recreation
21 room annexed to the canteen.

22 "English church service held every Sunday,
23 service by Japanese clergyman.

24 "In the large playing ground outside base-
25 ball and football could be played, while on the other

1 ground volley-ball and basket-ball could be played.
2 Inside the house playing cards and chess possible.
3 As books, novels, technical books, Bible, daily Nippon
4 Times 120 copies, weekly Nippon Times 18 copies.

5 "2 gramophones, a reasonable number of
6 American records and a few Japanese records. No
7 motion pictures nor radios. According to the repre-
8 sentative, materials for mental enjoyment were entire-
9 ly necessary. Regardless of kind, increase of books
10 were looked forward to, especially texts for the
11 study of language, machinery, agriculture and medi-
12 cine.
13

14 "Permissible communication per year, for an
15 officer 3 letters, 3 cards, warrant officer 1 letter,
16 3 cards, N.C.O. 4 cards, private 3 cards. Beside which
17 20 radiograms allowed per month. Outgoing letters and
18 cards via the P.O.W. Intelligence Bureau 1620 up to
19 October 1943. Incoming letters and cards 431, and 11
20 cablegrams up to October same year. According to Maj.
21 Peaty, the British representative, received his wife's
22 letter dated 8 September 1942 on 8 September 1943.
23 According to Maj. Hunkins, the American representative,
24 American prisoners received no mail after May 1942,
25 but 5 answers to cablegrams despatched were received.
Have not been allotted any relief goods of the Red

1 Cross Society yet. Received ¥1,500 contribution
2 from the Vatican Missionary with which money such
3 things as musical instruments and clothing were pro-
4 cured.

5 "From the words of the representatives and
6 others, general condition of the camp satisfactory.
7 Col. MATSUDA showed kindness, and on some points
8 conditions are better than expected. No complaints.
9 According to the chief of the camp, discipline lack-
10 ing on account of the fact that the prisoners were
11 brought from different units. 160 penalty cases,
12 for as obedience, petty theft, breakage of camp regu-
13 lations especially the fire regulations. 3 deserters
14 were condemned to death after being court martialled
15 for murder and violence.

16 "Inspected the prisoners cemetery outside
17 city of Mukden, on each grave is erected a plain
18 wooden cross with name, rank, nationality, and identi-
19 fication number written. By next spring expects to be
20 able to decorate with flowers, a part of the seeds of
21 which have been sown already.

22 "General impression excellent, Col. MATSUDA
23 and his officers are doing their best. Utmost cooper-
24 ation, favor and kindness from the Manchurian Red
25 Cross Society, also untold favor from the Headquarters

1 Kwantung Army.

2 "Pestallocchi."

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1 I next offer in evidence defense document
2 2090, which are the excerpts from the Manual of War-
3 time Service, issued by the Japanese Government, on
4 Military Training.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Manual of War-time
7 Service will receive exhibit No. 3097 for identification
8 only; the excerpt therefrom, being defense document No.
9 2090, will receive exhibit No. 3097.

10 (Whereupon, the document above re-
11 ferred to was marked defense exhibit No. 3097
12 for identification; the excerpt therefrom
13 being marked defense exhibit No. 3097-A and
14 received in evidence.)

15 MR. FREEMAN: I shall read in evidence exhibit
16 No. 3097-A:

17 "It is clear that our forces engaged in
18 sacred warfare should be to the last the forces
19 to protect the cause of righteousness and not to move
20 without that cause, in view of the spirit of the found-
21 ation of the State and its mission. This is the
22 principle on which the use of force is based.

23
24 "In view of the real meaning of the sacred war,
25 it is natural that our forces should be ready to succour
and enlighten those prisoners, sick and wounded, who

1 abandon resistance or are incapable of resisting against
2 them, and to favor them with the influence of our
3 imperial rule. This is the case with hostile residents
4 and their properties, etc., and much more the case
5 with the officials and people of a third power and their
6 properties. The righteousness of our forces will be
7 concretely understood by the hostile forces and people,
8 and besides, by any third nationals until our forces are
9 enthusiastically welcomed everywhere. Our forces,
10 therefore, should act not only in accordance with
11 international laws and conventions but also display
12 spirit positively on their own initiative.

13 "The principal articles of the international
14 laws and covenants applicable to wartime are shown
15 in Appendix I.

16 "Military discipline in war-time (page 18)

17 "It is for the purpose of meeting war-time
18 demands and producing good results that we are making
19 every effort to maintain military discipline in both
20 exercises and home duties in our peacetime training.
21 But, once we meet with war or incident, we are apt to be
22 less enthusiastic for the maintenance of military
23 discipline. For example, we are apt to hesitate to
24 discharge our duties on the pretext of damage, allow
25 our men to make an excuse for taking an easy way, and

1 neglect the strict observance of compliments reg-
2 ulations and proper dress, thereby committing an
3 unconscious breach of military discipline.

4 "It goes without saying that the environment
5 in war-time is so different from that in peacetime
6 that we cannot be physically so regular and orderly as
7 in peacetime, but nevertheless we should expand our
8 immaterial demands, all the more so because our forces,
9 receiving a great number of reservists not accustomed
10 to military discipline, are lacking in solid unity, and
11 there are many other disadvantages in regard to the
12 maintenance of military discipline.

13 "Military discipline in the battlefield

14 "Roughness of mind and demoralizing act and
15 speech are apt to be found in the battle-field -- for
16 example, such offences against military discipline as
17 an act of violence against a superior or disobedience
18 to orders, and other vicious offences such as looting
19 and rape. This trend will be promoted especially by
20 the dangerous and miserable conditions of the battle-
21 field, imperfect housing facilities and poor supplies.
22 So, in order to prevent this trend, it is necessary for
23 the commander to take every opportunity to bring home
24 the real meaning of the sacred war, and to stress
25 education and training, to control and direct his men

1 with fairness, to punish and discipline them properly,
2 and to improve housing and maintenance facilities.

3 "Fairness in deciding reward and punishment

4 "In war-time, one is apt to feel so much sym-
5 pathy with the men under his command as to subordinate
6 justice to personal feelings and lose his desire to
7 superintend and direct them strictly; while, on the
8 other hand, such an idea is apt to spread among his men
9 that, in the battlefield, a minor offence may be over-
10 looked by their superior officer, and that an offence
11 committed can be concealed with ease. These two factors
12 will help correlatively to create an unfavorable en-
13 vironment for the maintenance of military discipline.

14 "One must have the spirit to make a costly
15 sacrifice in the cause of justice, realizing that it is
16 not to love his men that one should be so much influenced
17 by personal feelings as to bring about the idea that
18 military discipline may be violated with impunity, and
19 thereby making them commit graver offences."

20 I next call the witness NISHIURA, Susumu,
21 whose affidavit is defense document 2203.
22

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1 S U S U M U N I S H I U R A, recalled as a witness
2 on behalf of the defense, having previously been
3 sworn, testified through Japanese interpreters
4 as follows:

5 THE PRESIDENT: You are still on oath, witness.

6 DIRECT EXAMINATION

7 BY MR. FREEMAN:

8 Q Mr. NISHIURA, will you give us your full
9 name and address?

10 A My name is NISHIURA, Susumu; my address is
11 560 Ohmecho, Nishitama-Gun, Tokyo.

12 MR. FREEMAN: May the witness see defense
13 document 2203.

14 (Whereupon, a document was handed to
15 the witness.)

16 Q Mr. NISHIURA, is that your affidavit and have
17 you signed it?

18 A This is my affidavit and I have signed it.

19 Q Are the contents therein true and correct?

20 A Yes.

21 MR. FREEMAN: I now offer in evidence defense
22 document 2203.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 2203
25 will receive exhibit No. 3098.

1 (Whereupon, the document above re-
2 ferred to was marked defense exhibit No.
3 3098 and received in evidence.)

4 MR. FREEMAN: I shall read into evidence
5 exhibit No. 3098:

6 "I, NISHIURA, Susumu, after having been first
7 duly sworn according to the custom of my country make
8 the following statement:

9 "1. I was formerly in service as Colonel and
10 occupied the post of Chief of Army Affairs Section,
11 Military Affairs Bureau, War Ministry, from 20 April
12 1942 to December 1944. In the Ministry I was in charge
13 of the establishment and institution of the army. I
14 have a thorough knowledge of how the business of treat-
15 ing Prisoners of War was allotted in the army both in
16 principle and in practice. I hereby state as follows:

17 "2. Prepared for the purpose of making my
18 statement understandable are attached to this document.

19 "3. The system of business in the army con-
20 cerning the treatment of Prisoners of War was regulated
21 and practiced as shown in the attached papers.

22 "After the capture of POW's by the Japanese
23 Army, the following two steps were followed as to the
24 treatment of POW's.

25 "(1) Treatment within the troops in operations.

1 "(a) When a front force captured POW, after
2 having made necessary investigation and having prepared
3 a POW roll and POW diary, the prisoners were delivered
4 to the nearest office of transportation and communication.

5 "(b) The commander of an army in operation
6 who wanted to send prisoners to the rear reported to
7 Imperial Headquarters as to the number of the prisoners
8 to be sent and further the War Ministry was informed
9 by the Imperial Headquarters.

10 "(c) When the War Ministry received a report
11 about sending POW's to the rear, the Ministry advised
12 the Imperial Headquarters as to the ports or other places
13 where POW's should be sent, and the Imperial Headquarters
14 informed the War Ministry of the date of arrival of
15 POW's at the place assigned.

16 "(d) In accordance with the orders of the
17 Imperial Headquarters, the office of transportation
18 and communication would escort POW's to the designated
19 place and deliver them to the receiver who had been
20 designated by the War Ministry.

21 "(e) The commander of a force in operation
22 would establish a provisional POW camp to house and
23 supervise POW's until the time of delivery (Exhibit No.
24 1965)

25 "After this delivery to the receiver designated

1 by the War Ministry, POW's came under the jurisdiction
2 of the War Minister. Before that time, the treatment
3 of POW's was in the hands of the troops in operations,
4 so that any trouble occurring prior to the time of
5 delivery to the receiver of the War Ministry was out of
6 the jurisdiction of the War Minister.

7 "(2) Treatment within the Army Administrative
8 system after coming under the jurisdiction of War
9 Minister.

10 "After the receiver designated by the War
11 Ministry received POW's, they came under the jurisdiction
12 of the War Minister and were put in a POW camp established
13 by the War Minister. (Ordinance concerning POW camps,
14 Article II, Exhibit No. 1965) The POW camp was super-
15 vised by the army commander or defense commander
16 designated by the War Minister. During the Pacific War
17 there were established a lot of POW camps at the front.
18 In that case the field commander in operation and the
19 like, supervised the POW camps in his area and his
20 supervision was put under the jurisdiction of the War
21 Minister. As to the provisional camps mentioned above,
22 the supervision thereof was beyond the jurisdiction
23 of the War Minister.

24 "The chief supervisor (i.e. army commander
25 or defense commander) in conformity with the relevant

1 regulations, etc., commanded and supervised the POW
2 camp and laid down the POW camp service regulations, thus
3 taking charge of all the supervising business concerning
4 the POW camp. (Ordinance concerning the POW camp,
5 Article V, Regulations concerning the Treatment of POW,
6 Article XXI) The business under the jurisdiction of the
7 War Minister was divided into several parts and assigned
8 to the POW Administration Department and each Bureau
9 in the War Ministry as shown in the attached Table.

10 "As regards each allotted business also shown
11 in the table, that of the POW Department was provided
12 by the Regulations concerning the Treatment of POW and by
13 the Adjutant's Notification (Defense Exhibit No. 1598),
14 and that of each Bureau in the War Ministry indicates
15 the chief business which had connection with the treat-
16 ment of POW and allotted to the Bureau according to the
17 regulated official system of the War Ministry.

18 "The POW Administration Department as a chief
19 office in charge of the business under the supervision
20 of the War Minister concerning the treatment of POW
21 managed the following business:

22 "(1) Matters concerning the general plans of
23 treatment of POW and military internees at the front;
24 detention, supervision, exchange, release, employment
25 (labor, propaganda, etc.), punishment, treatment, etc.

1 "(2) Matters concerning the labor to be
2 imposed upon POW.

3 "(3) Matters concerning the communication of
4 POW.

5 "(4) Matters concerning the punishment of
6 POW.

7 "(5) Matters concerning the labor and commun-
8 ication of military internees at the front.

9 "The following are necessary explanations as
10 to several important matters:

11 "A. The POW Administration Department was
12 established at the end of March, 1942, in accordance
13 with the Regulations Concerning the Treatment of POW,
14 mentioned above, I have learned that in the past wars
15 the business concerning the treatment of POW was allotted
16 to the bureaus in the War Ministry. It was generally
17 thought at the beginning of the last war that the above
18 allotment of the business was practicable as in the past
19 wars. The greatness in number of POW and the complicated
20 and extensive business of treating POW made it necessary
21 to have an office exclusively managing the business of
22 the War Ministry concerning the treatment of POW. The
23 POW Administration Department was arranged to be es-
24 tablished in the Ministry to meet such demand, but was
25 actually established as late as at the end of March,

1942, under such circumstances. As was already stated
1 above, the business under the jurisdiction of the War
2 Minister concerning the treatment of POW was conducted
3 by the POW Administration Department as the responsible
4 office. The POW Administration Department was on the
5 same level with other bureaus of the War Ministry and
6 was not in a position to be controlled or supervised
7 by the Military Affairs Bureau or any other bureau in
8 the War Ministry. In fact, during my tenure of office
9 as Chief of the Military Affairs Section, I, at no time,
10 gave orders to the said Department, for in my belief
11 the business concerning POW should have been managed
12 by the POW Administration Department.
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1 "B. The main business of which the Bureau of
2 Military Affairs took charge concerning the POW, were as
3 shown in the attached tables:

4 "The main business conducted in accordance
5 with the above were as follows:

6 "(1) To draw up the Ordinance for POW camps
7 and the organization of POW camps.

8 "(2) To draw up the regulations concerning the
9 establishment and organization of POW Administration
10 Department.

11 "(3) To draft the reply of vice-minister concern-
12 ing the application of the Geneva Convention.

13 "C. Besides there was the so-called POW Informa-
14 tion Bureau which was managed by the War Minister.
15 This was an organization specially established in ac-
16 cordance with the Hague Convention and was entirely
17 separate from the War Ministry. This was altogether
18 different from POW Administration Department establish-
19 ed as one of the sections of War Ministry. Furthermore,
20 Chief of the POW Information Bureau was not subject to
21 the control or supervision of Chiefs of the Bureau of
22 Military Affairs or other bureaus of War Ministry.
23 According to the regulation governing the POW Informa-
24 tion Bureau, the same bureau, the same bureau had a
25 right to ask for various information from the operat-

1 ing forces.

2 "(4) Mistreatment of POWs:

3 "The so-called mistreatment of POW's in Malay
4 and Bataan Peninsulas were cases which took place dur-
5 ing or immediately after the fighting and the POW's were
6 not yet brought under the jurisdiction of the War Min-
7 ister -- namely, they were still under the supreme
8 command system. Those prisoners engaged in the con-
9 struction of the Tailand-Burma Railway were, for the
10 most part, under the jurisdiction of the War Minister.

11 "The construction of the Tailand-Burma Railway
12 was carried out by the Commander-General of the Southern
13 Army by order of the Chief of the General Staff.

14 "The War Ministry was consulted by the Chief
15 of the General Staff about this construction order.
16 The various bureaus were consulted according to the
17 division of business stipulated in the Official System
18 of Organization. The Military Affairs Bureau took
19 charge of the budget for construction; the Maintenance
20 Bureau, communication, materials and labor; and the
21 POW Administration Department, labor, etc. Each Bureau
22 and Department was consulted according to the business
23 in its charge, and the Minister and Vice-Minister of
24 War jointly responsible for the consequences.
25

"The Southern Area Army undertook to carry out

1 the construction work, and the General Staff took the
2 lead in shortening or lengthening the term of construc-
3 tion, alleviating transportation facilities and increas-
4 ing the forces, etc. The Director of Transportation
5 and Communication Bureau undertook to direct the con-
6 struction work, as previously testified by Lieutenant-
7 general WAKAMATSU, the then director of that bureau.
8 (Court Record in Japanese, pp 14-15.)
9

10 "As the prisoners engaged in the construction
11 work were under the jurisdiction of the War Minister,
12 he dispatched HAMADA, Director of the POW Information
13 Bureau and Chief of the POW.

14 "On this 10th day of August, 1947, at Tokyo."

15 Cross-examine.

16 THE PRESIDENT: Colonel Mornane.

17 A With respect to prisoners of war, the Army
18 Affairs Section, for instance, had charge of such
19 matters as camp organization and regulations -- the
20 drafting of regulations governing such camps.

21 Q What about construction of camps?

22 A Do you mean building camps?

23 A Yes, building.

24 Q Generally speaking, the policy was to use
25 buildings which had existed before the war, and the

CROSS-EXAMINATION

1
2 BY COLONEL MORNANE:

3 Q Witness, into what divisions was the Military
4 Affairs Bureau divided?

5 A As sections there were two: the Military
6 Affairs Section and the Army Affairs Section, and in
7 addition it had an information unit under the control
8 of this particular bureau.

9 Q Now, what were the duties of the Army Affairs
10 Section?

11 A The principal duties under the Army Affairs
12 Section were the organization of the army, control and
13 supervision of the budget within the army, and the
14 disposition of various army organizations.

15 Q It had nothing to do with prisoners of war?

16 A With respect to prisoners of war, the Army
17 Affairs Section, for instance, had charge of such
18 matters as camp organization and regulations -- the
19 drafting of regulations governing such camps.

20 Q What about construction of camps?

21 A Do you mean building camps?

22 Q Yes, building.

23 A Generally speaking, the policy was to use
24 buildings which had existed before the war, and the
25 Chief of the POW Administration Bureau was to select

1 which buildings would be most proper and suitable
2 for accommodating prisoners of war.

3 THE INTERPRETER: Correction: Instead of
4 "Chief of the POW Administration" change to "Officials
5 in charge of the administration of prisoners-of-war
6 camps were to select from out of these former build-
7 ings such buildings as would be suitable to accommo-
8 date prisoners of war."

9 Q Witness, what I want to know is this: With
10 regard to accommodations for prisoners of war, did that
11 fall within the jurisdiction of the Army Affairs Sec-
12 tion?

13 A With regard to buildings to accommodate
14 prisoners of war, such matters were handled by the
15 building and construction section of the Intendance
16 Bureau of the War Office.

17 Q Well, then, you say the Army Affairs Section
18 had nothing to do with the accommodation of prisoners
19 of war?

20 A Yes, the Army Affairs Section is in charge
21 of the camp organizations, and also drafts regulations
22 as to where such camps should be located. However,
23 as to the general plans as to where to establish these
24 prisoner-of-war camps, the general plan would be drawn
25 up by the prisoner-of-war Administration Bureau and

1 within the limits or scope or specifications laid down
2 in that plan. Then the Army Affairs Section would
3 draft regulations establishing such camps -- for in-
4 stance, in Zentsuji or Kyoto or elsewhere.

5 Q Apart from drafting regulations, it would do
6 nothing further towards the organization of a prison
7 camp?

8 A No.

9 Q Well, now, with regard to the Military Affairs
10 Section, what comprised its duties?

11 A With regard to prisoners of war, the Military
12 Affairs Section has the closest connection to the sub-
13 ject -- with the problem of international laws and
14 regulations governing the handling of prisoners of war.

15 Q Apart from their connection with international
16 conventions in relation to prisoners of war, has the
17 Military Affairs Section any other connection with
18 prisoners of war?

19 A I don't think they had anything else.

20 BY THE PRESIDENT:

21 Q Is the Prisoner of War Administration Depart-
22 ment the same body as the Prisoner of War Control
23 Bureau?

24 A I don't understand English well and I don't
25 know just what that question means.

1 THE MONITOR: Mr. President, both POW
2 Administration Department and POW Control Department
3 have, in our knowledge, been translated as the same --
4 from the same Japanese words.

5 O I will repeat the question.

6 Is the Prisoner of War Administration Depart-
7 ment the same body as the Prisoner of War Control
8 Bureau?

9 THE INTERPRETER: Mr. President, the Japanese
10 word for that is the same.

11 THE PRESIDENT: Well, is it the same body?
12 Are the bodies the same?

13 THE INTERPRETER: Mr. President, there seems
14 to be various translations of the same Japanese term.
15 It seems there are a number of translations for the
16 same Japanese terms, which may be read as "Administra-
17 tion Department," "Control Department," or "Supervising
18 Bureau."
19

20 THE PRESIDENT: Yes.

21 We will adjourn now for fifteen minutes.

22 (Whereupon, at 1045, a recess was taken
23 until 1100, after which the proceedings were
24 resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Colonel Mornane.

4 CROSS-EXAMINATION

5 BY LIEUT. COLONEL MORNANE (Continued):

6 Q You say, witness, that the commander of an
7 army in operations who wanted to send prisoners to the
8 rear reported to Imperial Headquarters as to the num-
9 ber of prisoners to be sent. Well, up to that stage
10 in whose control were the prisoners?

11 A The person in control is the commander of
12 the operations.

13 Q And he was responsible for them?

14 A Yes, that is so.

15 Q Well, now, I take it that he would not retain
16 them at the scene of operations; they would always be
17 despatched to the rear, would they not?

18 A The policy was to send the prisoners to the
19 rear and despatch them as soon as circumstances per-
20 mitted.

21 Q But the manner in which they were treated,
22 while in control of the commander, was a matter for
23 the Prisoner of War Administration Division, was it
24 not?
25

A No.

1 Q Well, witness, you are familiar with regula-
2 tions for the treatment of prisoners of war, No. 1034
3 of the 31st of March, 1942?

4 A Yes.

5 Q I refer you to Article II: "The Prisoner
6 of War Administration Division shall be established
7 in the Ministry of War for the conduct of all affairs
8 relative to the treatment of prisoners of war and of
9 civilian internees in the theatre of war."

10 A I think the present interpretation was a
11 little different from the original -- the original
12 phrasing of the regulation.

13 Q What do you say the original phrasing was?

14 A "Prisoners of war and civilian internees in
15 the theatre of war -- civilian internees in the
16 theatre of war and prisoners of war," that's how the
17 phraseology went, I believe.

18 Q No. But what I am referring to is this --

19 A The Prisoners of War Administration Depart-
20 ment handled only prisoners of war under the juris-
21 diction of the Ministry of War; and, therefore, if
22 prisoners of war are not under the direct control or
23 jurisdiction of the War Minister, then they would not
24 be under the control of the Prisoners of War Adminis-
25 tration Department which is under the jurisdiction

of the War Minister.

1 Q Witness, I thought you were disputing my
2 reading of Article II of the regulations for the
3 treatment of prisoners of war.

4 THE PRESIDENT: Is it necessary to do more
5 than to draw his attention to the regulations?

6 LIEUT. COLONEL MORNANE: No, that is probably
7 so.

8 THE PRESIDENT: It is only fair to him to
9 do so, but there is no occasion to carry it further.

10 Q Now, with regard to the Prisoner of War Infor-
11 mation Bureau, you say that was entirely separate
12 from the War Ministry.

13 A I did not say it was not related. I said
14 it was an entirely separate organization. I am stat-
15 ing that the Prisoners of War Administration Depart-
16 ment is a part or one of the bureaus which constitute
17 the Ministry of War but that the Prisoners of War
18 Information Bureau does not constitute such a depart-
19 ment but is a separate entity.

20 Q Witness, your evidence reads as follows:
21 "Besides, there was the so-called Prisoner of War
22 Information Bureau which was managed by War Minister.
23 This was an organization especially established in
24 accordance with the Hague Convention and was entirely
25

1 separate from the War Ministry." Is that correct?

2 A Yes.

3 Q What do you mean by saying "it is entirely
4 separate from the War Ministry"?

5 A That is to say, the Prisoners of War Admin-
6 istration Department was one of the bureaus which
7 constitute the Ministry of War and was considered as
8 one of the departments of that level, and I compared
9 the status of the POW Information Bureau with that
10 department.

11 Q Was not the Chief of the POW Information
12 Bureau the same person as the Chief of the POW Admin-
13 istration Department?

14 A Yes, the same man occupied the two posts.

15 Q Who was Chief of the Military Affairs Sec-
16 tion when you were there?

17 A At first the Chief of the Section was Colonel
18 HANADA, and he was succeeded by NINOMIYA -- Colonel
19 NINOMIYA.

20 Q And those men would be under the control at
21 that time of the accused SATO as Chief of the Mili-
22 tary Affairs Bureau?

23 A Yes.

24 Q And complaints as to breaches of internation-
25 al conventions and such like from the Swiss or other

1 protecting powers would go to the Military Affairs
2 Bureau.

3 THE PRESIDENT: Mr. Freeman.

4 MR. FREEMAN: I object to that question on
5 the ground that it is outside the scope of the affi-
6 davit.

7 THE PRESIDENT: We think it is within the
8 scope. The objection is overruled.

9 Q (Continuing) Will you answer the question,
10 please, witness?

11 A The last part of the question was unclear
12 to me. May I have it repeated?

13 (Whereupon, the question was re-
14 peated by the Japanese court reporter.)

15 A (Continuing) Some of such complaints or
16 protests may have come directly as reference to the
17 Military Affairs Bureau from the Foreign Office. But
18 what complaints came directly or what complaints did
19 not come, I do not know because I had nothing to do
20 with such matters. But I think, for the most part,
21 the protests at that time were directly handled by
22 the Prisoner of War Information Bureau.

23 Q When would it come through the Ministry of
24 War to the Prisoner of War Information Bureau?

25 A Not being directly responsible for the trans-

1 mission of such messages, I do not know what actually
2 took place.

3 Q Did you not say in your evidence the main
4 business of which the Bureau of Military Affairs took
5 charge concerning the prisoners of war was shown in
6 the attached tables, and then you go on to say, under
7 sub-heading 3, "to draft a reply of Vice Minister
8 concerning the application of Geneva Convention"?

9 MR. FREEMAN: If the Tribunal pleases, the
10 witness has stated he knows nothing about those pro-
11 tests because he had nothing to do with them.

12 THE PRESIDENT: I do not think it is worth
13 following it up.

14 LIEUT. COLONEL MORNANE: There is just one
15 other matter.

16 Q I presume you cannot tell the Tribunal as
17 to where requests by protecting powers to visit pris-
18 oner of war camps were addressed; you cannot say who
19 handled requests to be allowed to visit prisoner of
20 war camps, can you?

21 A I do not know because I was not directly
22 in touch -- I did not directly handle such matters.

23 LIEUT. COLONEL MORNANE: I would draw the
24 Tribunal's attention to the evidence of General
25 TANAKA at page 14,285 in the record.

1 There is just one other matter, I think,
2 for the Language Arbiter. On page 4, half way down
3 the page, the witness appears to say, "In fact, dur-
4 ing my tenure in office as Chief of the Military
5 Affairs Section" -- presumably, he means "Army Af-
6 fairs Section."

7 THE PRESIDENT: Captain Brooks.

8 MR. BROOKS: If the Tribunal please, on
9 behalf of General MINAMI, I would like to cross-
10 examine this witness on a couple of points that have
11 been raised in the prosecution in their cross-examina-
12 tion. I didn't intend to go into it, but it had been
13 raised, and it needs clarification.

14 THE PRESIDENT: Was General MINAMI Minister
15 of War at any relevant period?

16 MR. BROOKS: I said "General KOISO," if
17 your Honor please.

18 THE PRESIDENT: You said "MINAMI."

19 MR. BROOKS: I'm sorry. I meant General
20 KOISO.

21 CROSS-EXAMINATION (Continued)

22 BY MR. BROOKS:

23 Q Mr. Witness, was the official organization
24 of the War Ministry revised about the 10th year of
25 Showa, 1935?

1 A There may have been some minor revisions in
2 1935, but there were major revisions in 1936.

3 MR. BROOKS: Does the Clerk have prosecution
4 exhibit 74?

5 CLERK OF THE COURT: Yes.

6 MR. BROOKS: I ask that the prisoner be
7 handed prosecution exhibit 74 -- I mean the witness.
8 Language Section, it is only a brief reference.

9 (Whereupon, a document was handed
10 to the witness.)

11 Q On page 2, Article VI of exhibit 74 are
12 listed seven bureaus of the War Ministry. The fifth
13 is called the Intendance Bureau. Now, on page 7 of
14 your affidavit, exhibit 3098, the fifth bureau is
15 called the Bureau of Accountants. Are these the same
16 and is the Chief of the Intendance Bureau the same
17 as the Chief of the Bureau of Accountants?

18 THE INTERPRETER: Mr. Brooks, we believe
19 this is a language problem. In our knowledge they
20 are the same. It is impossible for us to translate
21 "accounting" and "intendance" in two different Japan-
22 ese terms, sir.
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3 BY MR. BROOKS (Continued):

4 Q Does the witness understand the English
5 words "intendance bureau" and the English words
6 "bureau of accountants"?
7

8 A Having been taught French from my child-
9 hood and not knowing the English language, I do not
10 know; but I should think they are one and the same
11 thing; but unless I am shown the original Japanese
12 I would not be able to state positively.

13 Q The original of which document, exhibit 74
14 or your affidavit, exhibit 3098?

15 A I do not know where the document number is
16 on this document.

17 Q You have it in your hands, exhibit 74 --
18 prosecution exhibit 74. Article 6 contains at the
19 5th line the words "intendance bureau."
20

21 A I don't know how they are rendered in
22 translation, but the bureaus in question, both in
23 my affidavit and in this exhibit, are the same.

24 Q Now, Mr. Witness, by examination of
25 exhibit 74, the document you have in your hand, does
this document refer to the period before this official

1 organization of the War Ministry was revised or to
2 a later period?

3 COLONEL MORNANE: If the Tribunal please,
4 I object to the cross-examination of this witness on
5 this matter. Apparently, my friend is endeavoring to
6 attack exhibit 74, which was not raised at all on the
7 cross-examination of the witness.

8 MR. BROOKS: If the Court please, I am not
9 attacking prosecution exhibit 74; I am relying on
10 that rather than the witness' testimony, and my next
11 questions will connect it up and show --

12 THE PRESIDENT: With that assurance the
13 objection is overruled.

14 MR. BROOKS: May the witness answer the
15 question?

16 A This official regulation is not something
17 that was made prior to 1936.

18 Q And you say then that there was a difference
19 in the organization prior to that time?

20 A For instance, before that time there was no
21 military service bureau; furthermore, at that time
22 there was -- before that time there was a bureau
23 called the ordinance bureau, but that is not found
24 in this present document.

25 Q And your affidavit and the testimony that

1 you have given in relation to the matters contained
2 in exhibit 3098 pertain to the periods after the
3 revision -- 1935 and 1936?

4 A Yes.

5 Q Now, after this revision, although the
6 Chief of the Military Affairs Bureau might, in
7 compliance with order of the War Ministry, assist him
8 in matters concerning the budget, isn't it true that
9 the Chief of the Intendance Bureau was responsible
10 for the supervision of all business relating to the
11 army budget and that after this aforesaid revision
12 the Chief of the Military Affairs Bureau had neither
13 authority nor responsibility in that connection?

14 A When is that? What period are you referring
15 to?

16 Q After this revision in 1935 and 1936.

17 A There has been no change after the revision
18 except that after the revision the words, "general
19 control over the budgetary matters," were inserted.

20 Q Was inserted where? To which bureau?

21 A That is not stated in my affidavit, but in
22 the course of the years these words were included in
23 connection with the function of the Army Affairs Sec-
24 tion of the Military Affairs Bureau.

25 MR. BROOKS: That is all.

1 MR. HOWARD: Mr. President.

2 THE PRESIDENT: Mr. Howard.

3 MR. HOWARD: Mr. NISHIURA, I represent
4 General KIMURA. I would like to ask you one question.

5 Q If Lieutenant General --

6 THE PRESIDENT: Mr. Howard, I had occasion
7 to mention the other day the order in which you
8 should cross-examine. By you I mean the defense.
9 You should have preceded in this case Mr. Tavenner,
10 because the material that you are cross-examining
11 on was brought out by the defense.
12

13 MR. HOWARD: Your Honor, I suggest that I
14 read the question, and then we will all be in better
15 position to pass on it.

16 THE PRESIDENT: We will give you permission
17 on this occasion, but that order must be observed as
18 far as possible. If anything comes out on examination-
19 in-chief which is prejudicial to any of the accused,
20 counsel for that accused should cross-examine before
21 counsel for the prosecution.
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1 MR. HOWARD: If Lieutenant General WAKAMATSU
2 should testify that the Vice-Minister of War was not
3 basically responsible for the building of the Burma-
4 Siam Railway, would you agree with him?

5 COLONEL MORNANE: If it please the Tribunal,
6 I object to this question.

7 THE PRESIDENT: Hypothetical, and swears the
8 issue.

9 MR. HOWARD: I did not hear your Honor.

10 THE PRESIDENT: You are swearing the issue
11 if you give that statement.

12 MR. HOWARD: If I remember correctly,
13 Colonel Mornane used that same form, precisely and
14 exactly, on cross-examination.

15 THE PRESIDENT: And did you object to it?

16 MR. HOWARD: No, sir.

17 THE PRESIDENT: I am not here to take objections.
18 Colonel Mornane.

19 COLONEL MORNANE: If the Tribunal pleases,
20 I wish to draw the Tribunal's attention to the last
21 page on exhibit 74 upon which the witness was cross-
22 examined, where it says, "The present Ordinance shall
23 come into force as from 1st of April in 1942."
24

25 Then there is one further matter. The
Tribunal will recall that during my cross-examination,

1 toward the end of it, I referred to a matter on page 4
2 which I thought was a matter of language, but I may
3 have been erroneous in that view. The passage read,
4 "In fact, during my tenure of office as Chief of the
5 Military Affairs Section, I, at no time, gave orders
6 to the said Department..."

7 The Tribunal will recall that in paragraph 1
8 of the witness' affidavit he said he occupied the post
9 of Chief of Army Affairs Section; and I would, there-
10 fore, ask the Tribunal's permission to ask him the
11 one question: Was he ever Chief of the Military
12 Affairs Section?

13 THE PRESIDENT: You can ask him whether that
14 statement in his affidavit is correct.

15 COLONEL MORNANE: Witness, is this statement
16 in your--

17 MR. FREEMAN: If the Court please, he has
18 already stated that this affidavit was correct.

19 THE PRESIDENT: We are not sure of the
20 translation.

21 COLONEL MORNANE: Is this statement correct:
22 "In fact, during my tenure of office as Chief of the
23 Military Affairs Section--"

24 THE WITNESS: I think that is a mistranslation.
25 I have been Chief of the Army Affairs Section, but

1 never Chief of the Military Affairs Section.

2 THE PRESIDENT: Now I have a question on
3 behalf of a Member of the Tribunal.

4 Were the employees of the Prisoners of War
5 Information Bureau the same as those of the Prisoners
6 of War Administration Bureau?

7 THE WITNESS: I do not know whether all of
8 the employees were the same, but I know that the
9 principal members of the staff were the same.

10 THE PRESIDENT: Were the expenditures of
11 those two bureaus met from the same funds?

12 THE WITNESS: I am not familiar with the
13 particulars or the details, but I know that the
14 employees or staff members were not having their
15 salaries duplicated. I should think the funds were
16 the same.

17 THE PRESIDENT: Mr. Freeman.

18 MR. FREEMAN: If the Tribunal please, there
19 will be no redirect, but I would like to request that
20 the Language Arbitration Section of the court trans-
21 late the last sentence of paragraph 4 on page 5.
22 I understand from the Japanese that there is no such
23 word "for the consequences" and there is a question
24 about the word "jointly."
25

THE PRESIDENT: That is your own evidence,

1 and you must have been well aware of the gravity of
2 that statement when you read it. Now you want to
3 correct your own evidence. However, we will look at
4 the original Japanese and get Major Moore to advise
5 us. You may have misread what appears in Japanese
6 in the original affidavit.

7 MR. FREEMAN: This request was made for
8 another attorney who brought it to my attention.

9 May the witness be excused?

10 THE PRESIDENT: He is excused on the usual
11 terms.

12 (Whereupon, the witness was excused.)

13 MR. FREEMAN: I next offer in evidence the
14 witness KOBAYASHI, Shujiro, who yesterday was brought
15 to the witness stand but the Court instructed that
16 his affidavit be rewritten or checked, and I am
17 bringing him back now.

18 THE PRESIDENT: Revised.

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1 S H U J I R O K O B A Y A S H I, recalled as a
2 witness on behalf of the defense, being
3 previously sworn, resumed the stand and
4 testified through Japanese interpreters as
5 follows:

6 DIRECT EXAMINATION

7 THE PRESIDENT: You are still on oath, Witness.
8 BY MR. FREEMAN:

9 Q Mr. KOBAYASHI, will you give us your full
10 name and address?

11 THE PRESIDENT: We have that.

12 MR. FREEMAN: May he be shown affidavit 2211.

13 Q Is that your affidavit, and have you signed it?

14 A Yes.

15 Q Are the contents therein true and correct?

16 A Yes.

17 MR. FREEMAN: I tender in evidence defense
18 document 2211 as revised.

19 THE PRESIDENT: Admitted on the usual terms.
20 But we are going to strike out of this anything
21 which is unnecessary, such as descriptions of battles.

22 CLERK OF THE COURT: Defense document 2211
23 will receive exhibit No. 3099.

24 (Whereupon, the document above
25 referred to was marked defense exhibit

1 No. 3099 and received in evidence.)

2 THE PRESIDENT: Mr. Tavenner.

3 MR. TAVENNER: If the Tribunal please, I
4 understand that only the marked portions are going
5 to be read, and which does delete the matters referred
6 to.
7

8 THE PRESIDENT: Our copies have no marked
9 portions.

10 We will adjourn until half-past one.

11 (Whereupon, at 1200, a recess was
12 taken.)

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AFTERNOON SESSION

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3 The Tribunal met, pursuant to recess, at
4 1330.

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Major Moore.

8 LANGUAGE ARBITER (Major Moore): If the
9 Tribunal please, exhibit 3098, page 5, paragraph 1,
10 the last sentence, has been referred.

11 Delete from "and the" and substitute, "the
12 result is consolidated and the minister and vice-
13 minister are jointly responsible."

14 THE PRESIDENT: It is convenient to give
15 the Court's decision on two points at this stage.

16 First, on the accused giving evidence:

17 Under the Charter any accused may give
18 evidence. It rests with him, acting on the advice
19 of his counsel if he sees fit to take it, to decide
20 whether he will give evidence. The Tribunal will
21 decide later, if necessary, any question arising as
22 to the interrogation of any accused as authorized by
23 the Charter.

24 Accused sitting at the bar table:

25 A majority of the Tribunal do not think
that it is necessary in the interest of justice that

1 the accused should sit with counsel at the bar
2 table.

3 Mr. Freeman.

4 MR. FREEMAN: If the Tribunal please,
5 Mr. Smith, counsel for HIROTA, would like to approach
6 the lectern.

7 THE PRESIDENT: Mr. Smith.

8 MR. SMITH: If your Honors please, I would
9 like to say most respectfully that Mr. HIROTA has
10 been without the assistance of American counsel
11 since March 5.

12 THE PRESIDENT: A preliminary statement is
13 required from you, Mr. Smith. A certain course was
14 taken by the Tribunal, and the matter of the repre-
15 sentation of that particular accused rested with you
16 if you followed a certain course.

17 MR. SMITH: I should like to recall briefly
18 my statement on March 5 before the Court rendered
19 the decision and to repeat that again as a purely
20 preliminary matter.

21 THE PRESIDENT: In a few words you could
22 state the position as it should be.

23 MR. SMITH: All I have to say, your Honor,
24 is that I profoundly regret the occasion which gave
25 rise to the misunderstanding. I have since learned

1 that certain language we use in American courts
2 while considered orthodox there has a special sig-
3 nificance in Australia.

4 THE PRESIDENT: The Tribunal took that
5 action, Mr. Smith, and the Australian Member is
6 only one Member of the Tribunal.

7 MR. SMITH: Well, the important thing,
8 your Honor, is that Mr. HIROTA have the benefit of
9 counsel, whether it is me or some other counsel,
10 and, as I have stated to the Tribunal, I profoundly
11 regret the occasion. I have also previously ex-
12 plained to your Honor that I had no intention of
13 offering any offense to the Court, and this Tribunal
14 is the first tribunal I have ever been before, many
15 times in twenty years, that has ever suggested that
16 my attitude has been offensive.

17 THE PRESIDENT: I think, Mr. Smith, although
18 we are most anxious to hear you, you should make
19 this application again on Monday morning, when we
20 hope to have the whole Tribunal present. I advise
21 you to do that, Mr. Smith. We would all like to see
22 you back at that lectern, but a certain course must
23 be followed; so renew your application Monday morning
24 at half-past nine.

25 MR. SMITH: If your Honor please, if I may

1 be permitted to say this: I understood it was not
2 necessary for me to repeat the formula which the
3 Court prescribed on March 5, and if I appeared at
4 the lectern and expressed profound regret on this
5 occasion that it would be sufficient to remedy the
6 matter. I do not intend to come back Monday morning,
7 and --

8 THE PRESIDENT: What you propose to say now
9 to eight Members I hope you will say to eleven Members
10 on Monday morning, if it is what I anticipate and
11 hope it will be.

12 MR. SMITH: Your Honor, I am sorry to
13 announce my withdrawal as counsel and ask your
14 Honor to see that Mr. HIROTA has the assistance of an
15 American counsel. I think the Court --

16 THE PRESIDENT: There is no need for you to
17 say any more.

18 Mr. Freeman.

19
20 S H U J I R O K O B A Y A S H I, resumed the stand
21 and testified through Japanese interpreters as
22 follows:

23 MR. FREEMAN: If the Tribunal please, I shall
24 now read into evidence exhibit 3099, as revised.
25

1 "KOBAYASHI, Shujiro, live at Kitaide,
2 Shimmei-mura, Imadachi-gun, Fukui Prefecture and am
3 48 years old.

4 "In July of the 19th year of Showa (1944),
5 I arrived at Manila as the staff officer of the 14th
6 Area Army in the Philippine Islands. When the Shimbu
7 Group under the command of the said army was formed
8 at the close of that year, I was ordered to be attached
9 to the group and, until the termination of war, engaged
10 in the campaign in the region east of Manila. As the
11 senior staff officer, my main duty was to control the
12 operations and the rear service. When I arrived at
13 my post, the Commander of the Army was Lieutenant
14 General KURODA. He was succeeded by General YAMASHITA
15 early in October of the 19th year of Showa (1944).
16 The U. S. Army started landing in Leyte on October 18
17 of the 19th year of Showa (1944). Two days later,
18 on October 20, Chief of the Staff MUTO arrived at
19 his post."

20 Beginning on page 2:

21 "It was a serious subject of study whether
22 or not Manila should be defended to the last. But
23 General YAMASHITA decided on a plan of its abandonment.
24 Concerning this problem, Lieutenant General MUTO,
25 the Chief of the Staff, insisted on a plan of

1 abandonment from the outset and gave this opinion to
2 General YAMASHITA."

3 Paragraph (6), page 2. That "he" should be
4 changed to "Air army commander gave strict instructions
5 to the forces in Manila, forbidding any action of
6 inflicting harms to the citizens as well as prohibiting
7 them from putting any building to warfare use, except
8 that simple works for air defense and self-defense
9 were permitted on the McKinley Barracks and on the
10 buildings near the seashore then under the army's use
11 and that preparatory works for destruction of the
12 three bridges were permitted for the purpose of pre-
13 venting the enemy forces, in case of their marching
14 northward from Batangas quarters, from using them.

15 "In this respect, I endeavoured, as the staff
16 officer left behind at the place east of Manila, to
17 have our forces thoroughly understand the above effect.
18 For instance, at the meeting of staff officers and
19 adjutants of every group and unit under the command,
20 held at Montalban about the middle of January, I
21 communicated it exactly to them and explained, adding
22 that, even if its result should handicap them in fight-
23 ing, they should act so as to realize the intention
24 of the Area Army Commander. They all appreciated it
25 and left. Lieutenant YOKOYAMA, the Commander of the

1 Shimbu Group, as well attached importance to the inten-
2 tion of the Area Army Commander in this connection.
3 He, accordingly, gave instructions early in January
4 to all the officers and men under his command, empha-
5 sizing that, as the world was watching every act of
6 our forces fighting in the vicinity of Manila, the
7 international city, they were required to maintain in
8 particular strict discipline and to take such good and
9 just actions that they might not be laughed at by
10 posterity."

11 Beginning with F on page 4:

12 "After all, it can be concluded that our
13 forces in Manila, suffering from surprised attacks,
14 were in chaos from start to finish, owing to the
15 activities of a large number of guerilla, panic-stricken
16 refugees, confused commissary units and hospitals,
17 etc., still remaining unarmed in the city, irregular
18 struggles by the naval forces unaccustomed to land
19 fighting, etc. Meanwhile, the Shimbu Group Headquarters
20 remaining in the mountain of Montalban endeavoured to
21 obtain every available information, though they could
22 not ascertain the actual condition due to still defi-
23 cient networks of communication and observation in the
24 mountain. It was on February 18 that they came to
25 confirm the general progress of battles. Yet the

1 details of the state in the city remained uncertain for
2 them. Some liaison men we had sent there did not return
3 in the end."

4 Paragraph 4:

5 "I will dwell upon the actions taken by the
6 Area Army Commander toward the Philippine inhabitants.

7 "A. General YAMASHITA was rigid particularly
8 in the military discipline. In respect to avoiding
9 troubles to the inhabitants, he ordered the troops,
10 even in case those stationed in the towns until then
11 as well as those reinforced from Japan were removed
12 for the purpose of operations, to restrain themselves
13 to the utmost from using any private building and to
14 make it a fundamental rule to be in camp. Besides,
15 he always confirmed this point when he sent us to the
16 place concerned and also he, since his arrival at his
17 post in Manila, used barracks or those similar to them
18 for his residence in order to set an example in person.

19 "B. They were also required in general to pay
20 the inhabitants for their foodstuffs, utensils, etc.,
21 which they had used and, in an unavoidable case, to
22 give an I.O.U. in place of them and, besides, to
23 obtain their consent. Even when the group ran out of
24 provisions in May of the 20th year of Showa (1945) in
25 the operations among the mountains east of Manila, I

1 saw that the commander ordered the troops under his
2 command, by a bulletin, to carry out the instructions
3 from the Area Army Commander and that commanders
4 under him also ordered their men to that effect.

5 "C. In case of purging and suppressing
6 the guerilla, he instructed the whole army to care-
7 fully discriminate through precise information between
8 guerilla and peaceful people in order to avoid any
9 such action as mistaking peaceable one for the enemy.
10 For this purpose, 'armed guerilla' was definitely
11 indicated suppressive operations.

12 "D. '"How to Escape from War Disasters"
13 for the inhabitants,' especially, '"How to Escape"
14 for the citizens of Manila' were put in writing and
15 also arrangements were made for their course of escape
16 in order to prevent them from being mixed with our
17 troops on their taking refuge. Not only that, in the
18 City of Manila, staff officers of the Manila Defense
19 Headquarters who had good experience in taking care
20 of the citizens in the past were left behind, in con-
21 sideration of preventing them from causing misunder-
22 standing with our army.

23 "I will explain how we directed the treatment
24 of war prisoners and of internees of the hostile
25 powers.

1 "A. About the middle of December of the 19th
2 year of Showa (1944) when the indications of the U. S.
3 Army's attack against Luzon became clear, the divisions
4 concerned were instructed to deliver war prisoners
5 and internees peaceably to the U. S. Army when they
6 arrived there, to have them carry provisions for one
7 month at least with them, and to escort them against
8 bandits. The Shimbu Group, in accordance with the
9 above instructions, delivered some 4,000 in Manila
10 and Saint Thomas and 3,000 in Losbagnios to them.

11 "B. Delivery at Manila.

12 "On the evening of February 3 when Manila
13 City was surprised by the American-Philippine forces
14 and the camp was besieged by the U. S. tank corps,
15 Lieutenant Colonel HAYASHI, the head of the camp, with
16 the intention of avoiding eventual spread of disaster
17 to the internment buildings, mustered his staff (I
18 remember they numbered 30 or so) in the main office
19 and negotiated with the U. S. Army. The U. S. Army,
20 on the other hand, proposed to him that, though they
21 would comply with the delivery of all the internees,
22 the Japanese forces should wholly be disarmed. The
23 head of the camp expressed himself that, although his
24 main duty would conclude with peaceable delivery of
25 the internees, yet they could not stand immediate

1 surrender as the Japanese soldiers and that either
2 they would remove to the Japanese positions individ-
3 ually in arms or, if there was no alternative, they
4 all preferred to fight to death. After negotiations
5 were repeated and as the representatives of the inter-
6 nees gave the U. S. Army an advice, saying, 'These
7 Japanese looked after us very well,' the U. S. Army
8 replied that they would comply with the Japanese proposal
9 and that they would immediately lead the way to a
10 safety zone. Accordingly, the head of the camp ordered
11 scores of his men to be in full arms, had them put the
12 camp buildings in order and took a roll call of his
13 men, and they departed there, bidding farewell to the
14 internees. For fear of a possible surprise attack
15 by the U. S. Army after going out of the gate, they
16 went forward, making preparations ready to fight.
17 While on the contrary, a colonel of the U. S. Army,
18 who guided us was so gentlemanly that he warned the
19 Japanese troops against misunderstanding by the ordi-
20 nary U. S. troops and told them to walk along either
21 side of road. He, at the head of them in person,
22 led them safely to outside the disposition of the
23 U. S. Army and then shook hands with the head of the
24 camp. The head expressed his gratitude to the colonel
25 for his kindness. They bade farewell, wishing each

1 other good health. The above was the personal report
2 of the head of the camp after his return.

1 "C. Delivery at Losbagnios.

2 "It seemed that, as this district was
3 located at a long distance from the Shimbu Group
4 Headquarters, there was misunderstanding for awhile
5 due to the difficulty of communication. As a re-
6 sult, about the middle of January, the head of the
7 camp tried without leave to set the internees free
8 and to retreat to a safety zone. So the commander
9 ordered him, in accordance with the intention of
10 the Area Army Headquarters, to protect them in
11 safety and to supply them with food until the arrival
12 of the U. S. Army. The head of the camp again took
13 them in the former place and later, when the U. S.
14 Army arrived there, sent a messenger to Kalamba to
15 propose their delivery to the U. S. Army. In the
16 end, the purpose was accomplished by setting them
17 free at Losbagnios.

18
19 "I will make a statement on the condition
20 of our knowledge of the real state of the forces in
21 various districts and on the real condition of con-
22 munication.

23 "Lack of preparations for the operations,
24 especially, inferiority in wireless equipment; the
25 complete command of the air in the daytime by the
U. S. Army; the difficulty of traffic within our

1 province cut to pieces by the enemy and guerilla;
2 and, in addition, the disorder of our forces, which
3 fought in the vicinity of Manila, being hastily
4 formed including those troops in rear-service,
5 patients discharged from hospitals; and, moreover,
6 abrupt joining by the air and naval landing forces
7 which had no former connection with us. These
8 circumstances prevented us to get from them avail-
9 able reports as desired. Consequently, the Head-
10 quarters took great pains. As a striking instance,
11 it was when we read a magazine of the U. S. Army
12 in the camp after the termination of the war that we
13 for the first time learned the fact that, as early
14 as on February 4 or 5 the powerful U. S. forces had
15 advanced from the south to the southern side of
16 Manila City. And it was beyond all our imagination
17 that an accident had occurred in Manila and Datangas
18 districts. Accordingly, we neither received any report
19 on such a matter nor made any report to the superiors.

20 "On this 26th day of August, 1947."

21 Cross-examine.

22 THE PRESIDENT: Mr. Tavenner.
23
24
25

CROSS-EXAMINATION

1 BY MR. TAVENNER:

2 Q Mr. KODAYASHI, on page 7 of your affidavit,
3 the last sentence under the first paragraph, under
4 the heading "C," in referring to the delivery of the
5 allied prisoners at Losbagnios, you state that the
6 purpose was accomplished by setting them free.
7 Now, as a matter of fact, instead of setting the
8 allied prisoners free the allied prisoners were
9 rescued as a result of a well-timed attack by land,
10 sea, and air; isn't that true?
11

12 A We don't know what happened at the end.
13 This was from a report.
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1 Q And, do you not know, as a matter of fact,
2 that select troops from the 511th Paratroop Battalion
3 descended on that camp by air, that other units of the
4 11th Airborne Division made a landing by amphibious
5 craft, and that Filipino guerrillas infiltrated the
6 Japanese lines and joined in an attack by land on
7 that camp? Please answer.

8 A I have never heard of the Airborne attack.
9 May I add a few words?

10 Q Proceed.

11 A But, from other reports I heard that many
12 craft went from Lake Laguna to Los Banos.

13 Q Now, I refer you to page 6 of your affi-
14 davit where you describe the delivery of the Allied
15 prisoners at Santo Tomas Prison. In that answer,
16 you leave the inference that this was a very peace-
17 ful delivery of Allied prisoners. As a matter of
18 fact, do you not know that advanced units of the 1st
19 Cavalry of the United States Army penetrated the Japa-
20 nese lines into the middle of the city and seized the
21 camp?
22

23 A I have only stated the facts.

24 Q I asked you if you knew that. Please answer.

25 A In my affidavit, I have testified in accord-
ance with the report which I received from the chief

1 of the camp, which was to the effect that the camp
2 had been encircled by the American forces, but that
3 without resorting to any fighting and through peace-
4 ful negotiation, the transfer of the internees was
5 effected.

6 Q Will you now answer the question as to
7 whether or not you heard or knew that that camp had
8 been seized in the manner that I described?

9 A I have not received any reports that the
10 camp had been surrounded as a result of battle or
11 that it had been seized as a result of battle.

12 MR. TAVENNER: If the Tribunal please, as to
13 the residue of this witness' testimony, the prosecution
14 will satisfy itself by referring to the prosecution
15 evidence on the subject. As to atrocities in Manila
16 and Batangas reference is made to exhibits 1365 to
17 1378 inclusive, appearing on pages 12,442 to 12,452
18 inclusive; exhibits 1413 and 1414 at pages 12,501 to
19 12,507; exhibits 1412 and 1422 at pages 12,520 to
20 12,536 inclusive. With regard to the matter of the
21 annihilation of Filipinos generally, reference is
22 made to exhibits 1438-A, 1438-B, and 1439 to 1447
23 inclusive, appearing at pages 12,566 to 12,576 inclus-
24 ive.

25 That is all, if the Tribunal please.

1 THE PRESIDENT: Mr. Freeman.

2 MR. FREEMAN: If the Tribunal please, with
3 the Court's indulgence and with the consent of the
4 prosecution, I would like to call to the witness
5 stand two witnesses out of turn, since both of them
6 live a good distance from Tokyo, one of them being a
7 physician, and they must return home.

8 May this witness be excused?

9 THE PRESIDENT: He is excused on the usual
10 terms.

11 (Whereupon, the witness was excused.)

12 - - -

13 MR. FREEMAN: The witness I wish to call is
14 YASUDA Tsuneo, whose affidavit is defense document
15 2470.
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1 T S U N E O Y A S U D A, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as
4 follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Dr. YASUDA, will you give us your full name
8 and address?

9 A My name is YASUDA Tsuneo; my address is
10 No. 2 Satomicho, Kanazawa, Ishikawa Prefecture.

11 MR. FREEMAN: May the witness see defense
12 document 2470?

13 (Whereupon, a document was handed
14 to the witness.)

15 Q Is that your affidavit and have you signed it?

16 A Yes.

17 Q Are the contents therein true and correct?

18 A Yes, true and correct.

19 MR. FREEMAN: I offer in evidence defense
20 document 2470.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 2470
23 will receive exhibit No. 3100.

24 (Whereupon, the document above
25 referred to was marked defense exhibit

1 No. 3100 and received in evidence.)

2 MR. FREEMAN: I shall read into evidence
3 exhibit 3100, beginning with the first paragraph:

4 "1. I am a former Army Medical Colonel. I
5 stayed in Singapore as a member of the Medical Depart-
6 ment of the Southern Army General Headquarters during
7 the period from October 19, 1942 to July 5, 1944, and
8 was in charge of medical and sanitary affairs assist-
9 ing Medical Lieutenant-General AOKI Kuichiro, Chief
10 of the Medical Department.

11 "2. On the occasion of the proposed construc-
12 tion of a railway linking up Thailand and Burma, I
13 stressed that the sanitation measures were very im-
14 portant in this enterprise and the success of the con-
15 struction work depended directly on sanitary conditions
16 in view of the bad sanitary conditions prevailing there,
17 the speedy accomplishment of the work being held in
18 contemplation.

19 "Commander in Chief of the Southern Army
20 TERAUCHI paid special attention to this point and I
21 made every effort to investigate sanitation matters
22 and made every preparations for that before and after
23 the start of the work.

24 "3. Aiming chiefly at malaria, cholera,
25 dysentery and black plague in the investigation, I

1 despatched Medical Captain MOMMA, member of the
2 Medical Department, to the area with the Suveying
3 Corps at the end of 1942 and had him study general
4 sanitary conditions over there, collecting material
5 for the purpose of establishing definite sanitary
6 measures. And in January, 1943 I also despatched
7 Dr. OMORI Nanzaburo, member of the Research Institute
8 of Formosa on Tropical Medical Science and an author-
9 ity in research work of the malaria-mosquito, as a
10 non-regular civilian official attached to the Army in
11 company of eleven persons to Thailand first and then
12 to Burma later, and had them investigate malaria in
13 the areas of construction. I made more effective the
14 execution of prevention and extermination of malaria
15 based on their reports.

16
17 "After that I carried on investigations
18 further, with water Supply and Purification corps at
19 the area as the centre of activities; and at the
20 same time took charge of the prevention of malaria
21 and other communicable disease and the water supply.

22 "4. In order to enforce strongly the sani-
23 tation measures to cover this construction work, the
24 main body of the Southern Army's Water Supply and Puri-
25 fication Department, which was most powerful in the
said Army's operation area, and the overwhelming

1 majority of the medical services directly attached
2 to the said Army as well as other medical services
3 of the Army Corps at the front were attached to the
4 Railway Construction Commander, forming the Medical
5 Unit of the Railway Corps. Medical Colonel KITAGAWA,
6 Commander of the Water Supply and Purification was
7 appointed commander of the said medical unit and he
8 strived to give it full swing.

9 "5. Despite such careful investigations and
10 preparations with which the construction was embarked
11 upon, the rainy season set in about the middle of
12 April, 1943, nearly a month earlier than expected,
13 before foodstuffs, drugs and medical supplies were
14 sufficiently accumulated in the hinterland, turned
15 the construction ways into a quagmire and traffic came
16 almost to a stand-still, cholera which broke out among
17 the Burmese natives spasmodically found ways into the
18 construction district in Thailand and became more and
19 more prevalent. It reached its peak in June, defying
20 all the medical services' devoted efforts which were
21 greatly handicapped by the blocked traffic in pene-
22 trating into the hinterland. The Medical Department
23 Chief himself went to the area and took over supplying
24 as much medical supplies (454 sanitary water filters
25 and other supplies) as he could from the Southern

1 Army's reserve stocks. Then again he had Medical
2 Department personnel dispatched time and again to
3 the area and did all he could to check the diseases.
4 Further the situation was reported to Commander in
5 Chief TERAUCHI and all construction work was suspend-
6 ed for a time and all efforts were concentrated on
7 stamping out the epidemics.

8 "6. The fact that malnutrition, dysentery,
9 malaria and tropical ulcer increased in proportion
10 to the progress of the construction work may also be
11 thought to have been result of the bad sanitary con-
12 ditions by the rainy season as well as by the dearth
13 of foodstuffs caused by the blocked roads. Against
14 these epidemics, it goes without saying that the
15 activities of the medical services and supplying of
16 drugs were stimulated, while the all-important supply
17 of essential foodstuffs and increase of supply of
18 mosquito nets and blankets were appealed to concerned
19 officers, but these could not easily be improved on
20 account of transport difficulties over the area.

21 "On this 2nd day of Sept. 1947."

22 You may cross-examine.
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1 THE PRESIDENT: Colonel Mornane.

2 CROSS-EXAMINATION

3 BY COLONEL MORNANE:

4 Q Witness, did you advise Southern Army
5 Headquarters before prisoners of war were sent into
6 Burma and Thailand of the danger to them from sickness
7 and disease?

8 A Yes.

9 Q And you knew that it would be very difficult
10 to provide adequate sanitation in the jungle.

11 A Yes.

12 Q And in spite of that, Southern Army Headquarters
13 sent these prisoners to the jungle. That is so, is it
14 not?

15 A That I do not know.

16 Q Well, now, I take it you were very interested
17 to get reports from time to time as to the sickness and
18 death-rate on the Burma-Thailand Railway?

19 A Yes.

20 Q And I take it that you conveyed that information
21 to Southern Army Headquarters?

22 A I do not understand the point.

23 (Whereupon, the monitor spoke to the
24 witness in Japanese.)
25

THE WITNESS: I still don't understand the

1 question.

2 THE PRESIDENT: The question, if properly
3 translated, should be easily understood.

4 (Whereupon, the last question was
5 read by the official court reporter as follows:
6 "And I take it that you conveyed that information
7 to Southern Army Headquarters?")

8 A Only the important parts of the report.

9 Q You knew that the death-rate could have been
10 reduced with adequate medical supplies.

11 A No, that alone was not necessary. That's
12 the way I saw it. That alone was not sufficient. That's
13 the way I saw the situation.

14 Q At all events, you knew that the men would
15 have a much greater chance of saving their lives if
16 they had adequate medical supplies.

17 A But, I regarded food supplies as being more
18 important.

19 Q Did you point out to Southern Army Headquarters
20 that the death-rate -- the deaths were due to lack of
21 food and lack of medical supplies?

22 A Yes.

23 Q And actually deaths were occurring there as
24 early as October of 1942?

25 A Yes.

1 Q All, therefore, whatever happened the
2 rainy season in April of '43 had no effect on the
3 sanitary conditions prior to that time.

4 A Of course, there were deaths, but I recall
5 that the sanitary conditions in that period was com-
6 paratively good -- prior to that period.

7 Q Do you know in October of '42, at one camp
8 alone, out of 675 personnel there were 130 down with
9 sickness?

10 A No, I do not.

11 Q Did you ever visit these camps on the Burma-
12 Thailand Railway?

13 A I have not.

14 COLONEL MORNANE: I will just refer the Tribunal
15 to prosecution's evidence in relation to the conditions
16 on that Railway:

17 Exhibit 1561 to 1569, inclusive, at pages
18 13,054 to 13,074; exhibit 1574 and 1575 at pages 13,083
19 to 13,087; Colonel Williams at page 13,003 et seq., and
20 Colonel Coates at pages 11,411 to 11,433.

21 MR. FREEMAN: May the witness be excused?

22 THE PRESIDENT: He is excused accordingly on
23 the usual terms.

24 (Whereupon, the witness was excused.)

25 MR. FREEMAN: I call the witness KODAMA, Kyuzo,

1 whose affidavit is defense document 2140.

2 - - -

3 K Y U Z O K O D A M A, called as a witness on
4 behalf of the defense, being first duly sworn,
5 testified through Japanese interpreters as
6 follows:

7 DIRECT EXAMINATION

8 BY MR. FREEMAN:

9 Q Mr. KODAMA, will you give us your full name
10 and address?

11 A My name is KODAMA, Kyuzo; my address is No. 1,
12 Hayamachi, Fukakusa-machi, Fushimika, Kyoto.

13 MR. FREEMAN: May the witness see defense
14 document 2140.

15 (Whereupon, a document was handed to
16 the witness.)

17 Q Is that your affidavit and have you signed it?

18 A This is my affidavit.

19 Q Are the contents therein true and correct?

20 A Yes, true and correct.

21 MR. FREEMAN: I offer in evidence defense
22 document 2140.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 2140
25 will receive exhibit No. 3101.

1 (Whereupon, the document above re-
2 ferred to was marked defense exhibit No. 3001
3 and received in evidence.)

4 MR. FREEMAN: I shall read in evidence exhibit
5 3001:

6 "I. I, KODAMA, Kyuzo, served in the War
7 Ministry as Chief of the Military Service Section,
8 Military Affairs Bureau, during the period between
9 March, 1940 and June, 1944. The duties of the Military
10 Service Section covered matters concerning military
11 discipline, punishment, regulations of various sorts
12 relative to military service, and the proper duties of
13 individual soldiers, etc." --

14 THE PRESIDENT: What is his rank?

15 THE WITNESS: I was Colonel at the time.
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MR. FREEMAN: (Reading continued):

1 "II. Inasmuch as discipline was the backbone
2 of the army, all army forces as well as the central
3 authorities concentrated their best efforts on its
4 enforcement. The central authorities annually called
5 to Tokyo all the division commanders in the homeland as
6 well as the staff chiefs and chief judicial officers of
7 forces stationed at home and abroad in order to give
8 them instructions through the Three Heads of the Army
9 who never failed to lay special stress on the enforce-
10 ment of military discipline. Moreover, sometimes
11 staff chiefs were called to a special meeting for the
12 exclusive purpose of enforcing discipline.
13

14 "Appendix I, 1---3, are specimens of such
15 instructions.

16 "III. In Japan primary importance was attached
17 above all to the strengthening of command power as the
18 basis of military discipline. By emphasizing this
19 point, it was held, it was possible to keep the
20 members of the army away from possible misbehavior
21 and to change for the better the characters of those
22 who had committed any such misbehavior. In time of
23 war, however, more immediate and concrete measures were
24 taken in addition to this in order to prevent such mis-
25 conduct as might result from the abnormal circumstances

1 at the front as well as the lowered moral standard of
2 the troops owing to the increase in army personnel.

3 "In the following paragraphs I shall describe
4 measures taken by the central authorities in relation
5 to those types of misconduct which are now being tried
6 by military tribunals at various places.

7 "IV. Education and guidance given by the
8 military at the time were as follows:

9 "(1) Manuals: Enforcement of military dis-
10 cipline and raising of morale are emphasized in every
11 manual. Especially, the training manual clearly points
12 out the way thereto. It requires soldiers, right from
13 their start for the front, to be careful about the
14 maintenance of military discipline, and the necessary
15 example to be shown to the natives in fighting areas
16 for the heightening of the prestige of the Japanese
17 forces.

18 "(2) As for international law and regulations,
19 both officers and men were given necessary training in
20 a sensible way. For instance, teaching concerning the
21 Red Cross Treaty was given in Military Training Manual
22 No. 60, and the law text-book for the Military Academy
23 Preparatory School (Appendix No. 7) dealt with Land
24 Warfare Regulations. In order that the said inter-
25

1 national laws and regulations be strictly observed,
2 concrete instructions were given concerning operational
3 movements -- such as the action of a sentry, instruc-
4 tions concerning billeting, and requisition of mater-
5 ials -- and also about the treatment of prisoners of
6 war.

7 "The central authorities did not receive any
8 formal information whatever concerning such cases as
9 appeared before the military tribunals. Consequently,
10 the measures taken by the central authorities were not
11 in most cases adequate for the actual cases to which
12 they were applied. However, in view of the prolonged
13 warfare and the declining tendency of the character and
14 intelligence of troops, necessary principles regarding
15 the education, control and guidance of forces were given,
16 attention was called to them, and other necessary milit-
17 ary measures were taken.

18 "1. Wartime Service Manual was compiled and
19 distributed to the officers at large to be used as
20 their reference material and guide-book during their
21 service at the front. Its compilation being owned nec-
22 essary, was carried out in 1938 (Showa 13) by the Inspect-
23 orate-General of Military Training in view of experienc-
24 es gained up to that time through service abroad.
25

"2. Military discipline and Morale Investig-

1 ation Corps were sent out for investigation and guid-
2 ance. Staff members of the central authorities were
3 specially ordered in 1939 (Showa 14) to make an in-
4 spection tour to various spots in China for a period
5 of some two months. After their return, the central
6 authorities gave all units a guide to rigid enforcement
7 of military discipline and morale, and adopted military
8 administrative measures for the sake of the enhancement
9 of recreation facilities and adequate methods of re-
10 placement.

11 "3. Articles brought back from abroad by the
12 military men and civilians in the military service on
13 their return to their homeland, were strictly inspect-
14 ed and controlled by every unit, at every port of
15 embarkation, landing spot in the homeland, as well as
16 by the home unit, thereby to discover and prevent
17 breaches of discipline and, above all, plundering
18 in the battle-field.
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1 "(4) The copies of the 'Instructions to the
2 Men at the Front' were distributed in the 16th year
3 of Showa (1941) for the heightening of morality at
4 the front. As the war was prolonged, a fear of the
5 decline of morality and especially of possible plunder-
6 ing and violations came to be felt. To meet the situa-
7 tion, the said 'Instructions' was compiled by the cen-
8 tral authorities and distributed in the name of the
9 Minister of War. Every military man at the time always
10 carried a copy of it with him, and by respectfully
11 reading it day and night, exerted himself to comply
12 with the teachings given in it.

13 "(5) In the 17th year of Showa (1942), a
14 part of the Army Criminal Code was revised by Law No.
15 35. By this change, necessary provisions were newly
16 added or amended in relation to military offences,
17 for the sake of the strengthening and rigid enforce-
18 ment of military discipline.

19 "It is especially notable, in these changes,
20 that the crime of rape at the front was prescribed as
21 a crime for which 'prosecution may be instituted with-
22 out any complaint by the injured party.'

23 "(6) The central authorities gave several
24 times strict warning against private punishments. It
25 was applied to the treatment of prisoners of war and

1 the native population as well as to Japanese Military
2 men.

3 "(7) Great care was taken by the central
4 authorities as to the prevention of offences and crimes
5 against the natives. A special term 'offences against
6 the natives' was invented, and a statistic study of
7 crimes and misdeeds was made, to which the authorities
8 called the attention of every unit.

9 "(8) The Military Administrative Order was
10 revised in August, 18th year of Showa (1943). An
11 item was added to it that the order was to be applied
12 also to the forces at the front (the Order No. 1),
13 and regiment commanders, it was stated, should give
14 lessons and guidance to their subordinates about the
15 rules for treating the natives (The Order No. 24)

16
17 "(9) In order to pull back to the right course
18 the mind of soldiers who unawares had become dissipa-
19 ted through prolonged service in the field and es-
20 pecially through disasters and dangers caused by fight-
21 ing, adequate considerations were taken for affording
22 every possible convenience for forwarding of letters
23 and dispatches from their homes, forwarding comforts,
24 sending out entertainment groups, as well as for the
25 promotion of recreation facilities at the front, for
instance, organization of film corps to make visits

1 and establishment of military men's clubs, etc.

2 "On this 20th day of August, 1947."

3 You may cross-examine.

4 If the Court please, I understand in the second
5 line of the first paragraph that should be Military
6 Service Bureau rather than Military Affairs Bureau.

7 THE PRESIDENT: Well, we need Major Moore's
8 opinion.

9 Colonel Mornane.

10 CROSS-EXAMINATION

11 BY COLONEL MORNANE:

12 Q Witness, was it within the powers of the
13 prisoner-of-war camp commander to punish the prisoners?

14 A Such matters were in the province of the
15 Military Affairs Bureau. The Military Service Bureau
16 did not have any connection with it.

17 Q You don't know whether the commander of a
18 prisoner-of-war camp had authority to punish any of the
19 prisoners of war?

20 A I have no positive recollection.

21 Q What do you mean by saying your duties covered
22 matters concerning military discipline?

23 A Whenever punishment is dealt out in connec-
24 tion with violations of regulations governing disci-
25 pline and morals, any reports made to the Foreign Min-

1 ister would pass through the hands of my section.

2 COLONEL MORNANE: I am through with the
3 cross-examination, if the Tribunal please.

4 MR. FREEMAN: May the witness be excused?

5 THE PRESIDENT: He is excused on the usual
6 terms.

7 (Whereupon, the witness was excused.)

8 MR. FREEMAN: I next call the witness MURATA,
9 Shozo, whose affidavit is defense document 1741. This
10 is the one that was passed yesterday. I wish to read
11 only paragraph 3 on page 12 to the end of the affidavit.

12 THE PRESIDENT: Is there any need to call him?
13 Do you want to cross-examine?

14 (Whereupon, Mr. Tavenner nodded.)

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1 S H O Z O M U R A T A, recalled as a witness in
2 behalf of the defense, having been previously
3 sworn, testified through Japanese interpreters
4 as follows:

5 THE PRESIDENT (to the witness): You are
6 still on your former oath.

7 DIRECT EXAMINATION

8 BY MR. FREEMAN:

9 Q Mr. MURATA, will you give us your full name
10 and address?

11 A My name is MURATA, Shozo. My address is No.
12 103, Kaminoge, Tamagawa, Setagayaku, Tokyo.

13 MR. FREEMAN: May the witness be shown de-
14 fense document 1741?

15 (Whereupon, a document was handed to
16 the witness.)

17 Q Is that your affidavit and have you signed
18 it?

19 A Yes.

20 Q Are the contents therein true and correct?

21 A Yes.

22 MR. FREEMAN: I offer in evidence defense
23 document 1741.

24 THE PRESIDENT: Mr. Tavenner.

25 MR. TAVENNER: If the Tribunal please, objec-

1 tion is made to certain portions of this affidavit,
2 but I am now advised by counsel that only a portion
3 of it will be read. I believe I can eliminate some
4 discussion by talking to counsel during the recess.

5 THE PRESIDENT: Recess for fifteen minutes.

6 (Whereupon, at 1445, a recess was taken
7 until 1500, after which the proceedings were re-
8 sumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Major Moore,

4 LANGUAGE ARBITER (Major Moore): If the
5 Tribunal please, exhibit 3101, paragraph 1, line 2,
6 substitute "service" for "affairs."

7 THE PRESIDENT: Thank you, Major. Mr.
8 Tavenner.

9 MR. TAVENNER: If the Tribunal please, I
10 am advised that the only portion of this affidavit
11 which will be offered in evidence is that portion at
12 item 3 on page 12 and extending from there to the
13 end of the affidavit. Consequently, I have only one
14 objection to offer. It is to the last sentence in
15 the first paragraph on page 13, beginning with the
16 words "although it may appear." The grounds of the
17 objection are that it is an expression of opinion or
18 conclusion by the witness and that it has the effect
19 of foreswearing an issue in the case.

20 THE PRESIDENT: Mr. Freeman,

21 MR. FREEMAN: I don't want to be heard. I
22 agree with it.

23 THE PRESIDENT: The objection is upheld.
24 The document is admitted subject thereto on the
25 usual terms.

1 CLERK OF THE COURT: Defense document 1741
2 will receive exhibit No. 3102.

3 (Whereupon, the document above
4 referred to was marked defense exhibit
5 No. 3102 and received in evidence.)

6 THE PRESIDENT: Yes.

7 MR. FREEMAN: I shall read into evidence
8 exhibit 3102, beginning with paragraph 3, subject
9 to lines deleted.

10 "Now I will make a statement on the "Death
11 March."

12 "I don't think it is clear whether "Death
13 March" is a term to apply to the Filipino war pri-
14 soners or to the American war prisoners. I wit-
15 nessed the American war prisoners on the "March",
16 landing from Corregidor and marching toward the in-
17 ternment camp from the street but there didn't seem
18 to be any deaths in the procession. It was, however,
19 true that there were some deaths among the Filipino
20 war prisoners who marched separately.

21 "I will now relate the state of affairs when
22 I visited the headquarters of the Japanese Army on
23 Bataan soon after the surrender of the U. S. army
24 there. I witnessed then war prisoners lying on the
25 wayside who after surrendering at Bataan had fallen

1 out of the march on their way to camp. When I had
2 a talk with the Commander of the Army I asked him
3 about this. He answered, saying, 'Little did I
4 expect that there were so many. Contrary to my ex-
5 pectations that those who offered to surrender would
6 number 30 or 40 thousand, there were as many as 70
7 or 80 thousand and I had a great difficulty in trans-
8 porting them. First of all, we had no truck which,
9 accordingly, compelled us to have them walk. Neither
10 had we so much in the way of rations. Moreover,
11 they were suffering from malaria or other diseases,
12 so we had a very hard time escorting them to the
13 camp.' This was the actual state of things.

14 "This is something I heard from a Filipino
15 of some war prisoners who were deeply moved by the
16 fact that Japanese soldiers on duty in prisoner of
17 war camp, for instance, lived under the same roof and
18 ate the same meals with the war prisoners.

19 "Various kinds of leaflets were said to have
20 been distributed from airplanes during the Philippine
21 offensive of Commander HOMMA. Among these leaflets
22 was printed: 'The Filipino people who will swear al-
23 legiance to us shall not be looked upon as our enemy.'
24 I think General HOMMA entertained this idea to the
25 last, because he released war prisoners one after an-

1 other in spite of the continuation of the war. This
2 greatly pleased the Filipino people. There are other
3 cases as having helped in getting employment for them,
4 assisting them in their education, etc, but as they
5 would come under hearsay I shall refrain.

6 "On this 6th day of June 1947."

7 You may cross-examine.
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1 THE PRESIDENT: Mr. Tavenner.

2 CROSS-EXAMINATION

3 BY MR. TAVENNER:

4 Q Mr. MURATA, is it true that you were in
5 the Philippines first in the capacity of adviser to
6 the Japanese Army beginning February 11, 1942?

7 A Yes.

8 Q By what branch of the Japanese Government
9 were you selected for that position?

10 A I think the order for my appointment came
11 from Prime Minister TOJO; but, since I belonged to
12 the War Ministry, perhaps I was appointed by General
13 TOJO as Minister for War.

14 Q Then you were also in the Philippines in the
15 capacity of Japanese Ambassador Plenipotentiary to
16 the so-called Philippine Government beginning in
17 October, 1943, were you not?

18 A Yes.

19 Q In this latter capacity, to whom did you
20 make your reports?

21 A To the Minister for Greater East Asiatic
22 Affairs.

23 Q Then, as Ambassador, you were not a represen-
24 tative of the Foreign Office but you were a represen-
25 tative of the Ministry of East Asia Affairs.

1 A According to the organization at that time
2 diplomatic relations with the Philippine Government
3 was under the jurisdiction of the Ministry for
4 Greater East Asiatic Affairs. However, I have for-
5 gotten the technical term used at the time, but, in
6 so far as diplomatic formalities and usages were
7 concerned, we were to follow the instructions of the
8 Foreign Office.

9 Q How long did you operate under the adminis-
10 tration of the Ministry of East Asia -- the Bureau
11 of East Asia Affairs? Was it to the end of the war?

12 A At the time of the termination of the war,
13 I had already resigned from the post of Ambassador.
14 As a matter of fact, at that time there were no means
15 of obtaining instructions or orders because there
16 were no means of communication and transportation.

17 Q Well, as long as you occupied your post
18 you were subject to the jurisdiction and administra-
19 tion of the Ministry of the Bureau of East Asia Af-
20 fairs, is that true?

21 A Yes, that is so.

22 Q Did you receive appeals from the Philippine
23 people to intervene with the Army in behalf of those
24 who were being mistreated by the Japanese Army?

25 A You said something about facts of mistreat-

1 ment, but I have had discussions on good things as
2 well as bad and mediated not only between the Japan-
3 ese Army and the Philippine Government but also be-
4 tween the Japanese Army and the civilian population
5 as well.

6 Q Well, now, I was asking you about the bad
7 things. Will you tell us the nature of the com-
8 plaints that you received about mistreatment of
9 Filipinos by the Japanese Army.

10 MR. FREEMAN: If the Tribunal please, I
11 respectfully submit that this is outside of the
12 scope of the affidavit as read into the evidence, and
13 I object to the question.

14 THE PRESIDENT: He says nothing in the ad-
15 mitted part about civilians, does he?

16 MR. TAVENNER: Civilians are not specific-
17 ally mentioned. It is the last two paragraphs in
18 the affidavit which contain inferences which I
19 thought were broad enough to justify questioning
20 along this line. Those paragraphs contain inferences
21 of lenient and good treatment which I thought would
22 permit questioning.

23 THE PRESIDENT: "General HOMMA's leaflets
24 pleased the Filipino people." Is that the part?

25 MR. TAVENNER: It is principally the para-

graph before that.

THE PRESIDENT: Well, following that there is a passage which would certainly show this is within the scope. The objection is overruled.

Q Now, will you answer the question, please.

A My reply would depend on the time you are referring to, whether it is the time of General HOMMA or in the latter stages of the war during the time of General YAMASHITA when conditions were completely changed.

Q Let's begin at the beginning.

A As I have stated in my affidavit, at first there was considerable feeling of uneasiness among the Filipino populace; but, gradually, as they came to understand the real intentions of Japan, their feelings of suspicion melted away. Then I will skip the intermediary period, because it would take a long time describing it, and speak of the latter stages of the war and state that the Filipino people depended for ten per cent of their supply of rice on imports; but, due to the suspension of transportation due to increasing number of ships sunk, the supply of this ten per cent of rice was not forthcoming.

Q Possibly you have misunderstood my ques-

1 tion. My question was whether or not complaints were
2 made to you and what are they, relating to mistreat-
3 ment of the Filipinos by the Japanese Army which,
4 I think, could be answered specifically.

5 A I was just on the way to answering that
6 question.

7 THE PRESIDENT: Well, were complaints re-
8 ceived?

9 THE WITNESS: Yes.

10 Q What were they?

11 A The first -- the primary complaint was the
12 decrease in the food supplies and that was because
13 the Army had to take them away -- took away the sup-
14 plies.

15 Q The Army took the food supplies from the
16 Filipinos for their own use?

17 A I wouldn't say "all," but food is necessary
18 to the army in operation; and, since ships were
19 being sunk and food supplies could not be brought in
20 from the outside, they simply had to rely on the
21 indigenous production.

22 Q Did they send any of the foodstuffs to
23 Japan?

24 A Inasmuch as they couldn't bring food in
25 from the outside, there was no possibility of sending

food out of the Philippines.

1 Q I didn't ask about the possibility. I said,
2 did they? Did they send rice, for instance?

3 A Absolutely not.

4 Q Tell us about other complaints?

5 A Some time before that time the United States
6 Army had already landed at various points along the
7 coast and also established submarine bases.

8 Q Let us go back before that. Were there com-
9 plaints filed before that, I mean complaints of mis-
10 treatment made to you?

11 A There were no complaints with regard to
12 mistreatment brought to me.

13 THE PRESIDENT: What is that?

14 THE INTERPRETER: Not many complaints re-
15 garding mistreatment were brought to me.

16 Q I am asking you about the complaints that
17 were made. Tell us about them.

18 A I am saying that these complaints were made
19 later on -- after that time.

20 Q Very well. Tell us about them.

21 A As I have said, the United States forces
22 had already landed on various points in the Philip-
23 pines. And from even before that time, guerrilla
24 activities had already been very intensive, creating
25

1 great confusion and unrest among the people at
2 large. This was reflected in the Japanese Army
3 which, in the course of their fighting, suppressed
4 guerrilla activities, and, while doing so, they may
5 have suppressed the good native population in the
6 same way they have engaged in the suppression of
7 guerrilla activities, largely due to language diffi-
8 culties, and so forth.

9 Q In other words, peaceful, native population
10 was, in instances, wiped out the same as guerrillas
11 who resisted; is that what you mean?

12 A Such actions would never have been taken
13 if it had been known that they were peaceful native
14 civilian population.

15 Q But that is the nature of the complaints that
16 were made to you.

17 A It was a custom for me to have dinner with
18 the Foreign Minister of the Philippines twice a week,
19 and on those occasions I heard various complaints
20 from him and immediately transmitted these complaints
21 to the Commander-in-Chief to have the matters recti-
22 fied.

23 Q Now, what other complaints did you receive?

24 A Well, there were many causes of friction
25 and trouble caused by such matters as language dif-

1 difficulties. But, in the latter stages of the war
2 they were based on so many different causes that I
3 would not be able to tell you all of them from
4 memory.

5 Slight correction: All of these difficult-
6 ies were caused by language difficulties, and there
7 were so many of them in the last stages of the war
8 that I would not be able to repeat them from memory.

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1 Q Repeat what you can remember.

2 A The most conspicuous examples of such cases
3 were, I think, after I left Manila and went to Baguio.

4 Q Let us begin first with those that were made
5 to you while you were in Manila.

6 A What sort of complaints are you referring
7 to?

8 Q Any complaints regarding mistreatment of
9 Filipinos by the Japanese army or navy?

10 A Then I shall give one or two examples.
11 For instance, in Manila as Japanese forces increased
12 in number it was necessary to find dwellings for them
13 and large houses needed to be requisitioned, and any-
14 where such matters give rise to dissatisfaction.
15 Black marketing practices become quite rampant and
16 also cases in which very sharp black marketing dealers
17 would hoard such food products as rice and hide them,
18 put them away in warehouses, and as a result Japanese
19 gendarmes would go to requisition these hoarded supplies
20 or confiscate these hoarded supplies and that also gave
21 rise to dissatisfaction and complaints.
22

23 THE PRESIDENT: Were there any complaints of
24 murdering Filipinos?

25 THE WITNESS: I have hardly heard of that but
I have heard that guerrillas were imprisoned.

1 Q Weren't complaints made to you that inno-
2 cent Filipino citizens had been slaughtered by the
3 Japanese army?

4 A When such complaints are made it is never
5 said that such cases arose because of some unlawful
6 act, but when an investigation is carried out and
7 as a result of such investigation it is always learned
8 that some who were innocent were so mistreated, where-
9 as in other cases it is found that they have been so
10 punished or treated because of unlawful or illegal
11 acts. All of these things always come to light
12 after these events occur and after investigations are
13 made.

14 THE PRESIDENT: Do you not think you have
15 tested the quality of this person sufficiently? He
16 does not appear to be able to give a straight answer
17 until he is driven to it.

18 MR. TAVENNER: It is painful but that is what
19 I am trying to do, to get straight answers.

20 Q I will ask you this--

21 THE PRESIDENT: The record is sufficient.

22 Q I will pass on to another question. Were
23 complaints made to you that Filipino citizens were
24 flogged by Japanese authorities for supposed crimes
25 that they had committed?

1 A When such cases were brought to me it would
2 be difficult to consider flogging or beating and mis-
3 treatment as one and the same thing.

4 Q Were such complaints made to you is my
5 question. You can answer it yes or no.

6 A Yes.

7 Q Now, what did you do about these various
8 complaints that were made to you?

9 A I or I had my subordinates let the army or
10 navy authorities or the commander in chief himself
11 know orally or in writing about these incidents to
12 have investigations carried out and, if necessary,
13 rectifications made and any other proper step taken.

14 Q What cooperation or support did you get from
15 the army authorities in regard to complaints you made?

16 A After the army received these complaints
17 they immediately conducted investigation and if they
18 found the matter to be a fact, necessary punishment was
19 dealt out to the responsible party and, if not, the
20 army authorities gave me a report to such an effect
21 and I transmitted the report to the Foreign Minister
22 of the Philippine government.

23 Q Is it not a fact that you complained because
24 the army would not follow your advice?
25

 A The headquarters always listened and took up

1 my complaints but there were various armies in the
2 field, each having a separate command, and these
3 instructions necessarily did not filter down to the
4 lowest level of the army.

5 Q I understand that you spoke to the commander
6 in chief at the time of the Bataan march and that you
7 asked him certain questions; in fact, the language of
8 your affidavit is that you asked him about what you
9 saw. Did you make a complaint to him at that time
10 about those matters?

11 A Now I should like to make a remark with
12 regard to the question. Previously I have been
13 answering the questions which pertained to matters
14 which I handled as an ambassador, but this now is a
15 matter which took place when I was an advisor. I
16 should not like to have the two positions confused.
17 This happened soon after I assumed my position as
18 advisor in the Philippines, something like two or
19 three months after I arrived there when Bataan fell,
20 and I immediately went to the scene, and as I have
21 said, I saw men along the roadside either dead or
22 lying along the roadside. But I merely saw it; I did
23 not complain about it. I just asked questions; I
24 did not complain about it.
25

THE MONITOR: I merely asked questions.

1 Asking questions is not complaining.

2 Q Why did you ask questions about a matter
3 of that kind if it was not in the nature of a
4 complaint or remonstrance?

5 A I am a civilian; I am not an army man and
6 I went to the battlefield for the first time in my
7 life. I saw men lying on the field or men dead on
8 the field. It was strange and I think it was only
9 natural for a man visiting the battlefield for the
10 first time to ask questions.

1 Q You saw the weakened condition of those
2 Allied prisoners that had made that march, and you
3 made no remonstrance to the commander?

4 A Now, you speak of Allied prisoners of war,
5 but along with Allied prisoners of war many natives
6 of Bataan were also commingled with them in their
7 march along the road, and I merely asked why this
8 was so, and that is why I asked the question. But
9 before we know -- before I make any complaints or
10 come to any conclusion -- I would have to first find
11 out what it was all about.

12 Q Why was it that you talked with the Com-
13 mander in Chief about the lack of transportation?
14 Was it not because you saw a most barbarous thing
15 being committed before your very eyes?

16 MR. FREEMAN: If the Tribunal pleases, that
17 is a quotation in there that the commander said about
18 transportation and not what he said about trans-
19 portation. I object to that line of questioning.

20 Q You talked to the commander about trans-
21 portation, did you not?

22 A Viewing the scene, I asked him how this
23 situation came about and in reply to that question
24 of mine the Commander in Chief said there was lack
25 of transportation. Even the United States forces

1 had no food and neither did the Japanese side have
2 any quantity of food to provide for the needs --
3 to provide food for the unexpected large number of
4 those who surrendered.

5 Q That question was prompted by your horror
6 of the scene that was being enacted in your
7 presence, was it not?

8 A That was not the only question I asked of
9 the Commander in Chief at that time. Having met
10 him after some lapse of time, there were many ques-
11 tions that I asked him, and I merely took this up
12 in answer to a particular request. I have many other
13 questions that I could speak about -- questions and
14 conversations held at that time.

15 Q Let us confine ourselves to the question
16 I asked.

17 A May I have it repeated, please?

18 Q Will you repeat the question?

19 (Whereupon, the question was read
20 by the official court reporter as follows:

21 Q That question was prompted by your horror
22 of the scene that was being enacted in your
23 presence, was it not?)

24 A You say the scene before my very eyes.
25 That seems to imply that there was some killing of

1 people being carried out. That is not the case.
2 I saw dead bodies lying along the roadside as I
3 passed by in a motor car.

4 Q Now, will you answer the question?

5 A I think my reply serves as an answer to
6 that question.

7 Q That is the only answer you have to make,
8 is it?

9 A That was the reply I made because that is
10 the way I understood the question. If you are still
11 dissatisfied, you might ask me questions from other
12 angles and I shall be glad to answer.

13 Q Very well. Do you know Major General
14 Edward P. King?

15 A I have no connection with the army so I
16 have not met anyone.

17 Q I said do you know Major General King?

18 A I have never met him.

19 Q In your conversations with the commanding
20 general at Bataan -- that is the Japanese commanding
21 general -- when he was discussing the matter of
22 transportation with you, did he tell you that Major
23 General King had advised him that he had retained
24 enough United States motor vehicles with gasoline
25 and with drivers to transport the prisoners, and that

1 Major General King had advised the Japanese of that
2 fact?

3 A As I have said before, I am not a military
4 man. I have nothing to do with the army, and there-
5 fore our conversations did not develop along those
6 lines, and he did not say anything of that nature to
7 me.

8 Q Did the commanding officer, when he told
9 you that he was expecting only thirty to forty
10 thousand prisoners instead of seventy to eighty
11 thousand, tell you what arrangements he had made to
12 transport the thirty to forty thousand, if any?

13 A Beyond what I have set forth in my affi-
14 davit, I did not hear anything else.

15 MR. TAVENNER: If the Tribunal please, the
16 testimony of Major General King appears at page 12,595
17 of the transcript. Other prosecution evidence re-
18 lating to the Bataan march will be found as exhibit
19 1448, page 12,592 to 12,596 inclusive; exhibit
20 1479 at page 12,803. I desire to correct that
21 citation to page 12,808. And exhibit 1477, at page
22 12,801.

23 Q Now, I will ask you one other question.
24 Did you report to the Foreign Office what you saw
25 at Bataan?

1 A I repeat again, I had no connection with
2 the Foreign Office at that time, so I had no need
3 to send any report to them.

4 Q That is right; at that time you were sent
5 to the Philippines and were acting under the direc-
6 tion of War Minister TOJO?

7 A Yes.

8 Q So tell us if you advised TOJO about that.

9 A I was an advisor. I had no obligation or
10 responsibility to report to the War Minister. I was
11 attached as advisor to the Commander in Chief, and
12 if there were any points on economic or political
13 questions which I might suggest to him, I would do
14 so, and if the Commander in Chief had any consulta-
15 tion to make of me, with regard to such questions,
16 I gladly responded to such requests.

17 Q Did you at any time, in writing or orally,
18 report to the War Minister or the Vice War Minister,
19 anything that you saw in connection with the Bataan
20 march?

21 A No.

22 Q Did you make a report to any other member
23 of the War Ministry?

24 A I have not.

25 MR. TAVENNER: That is all, if the Tribunal
please.

1 MR. FREEMAN: If the Tribunal please, I
2 have another witness to call, but it will take a
3 good while.

4 THE PRESIDENT: Your re-examination will
5 take more than a few minutes?

6 MR. FREEMAN: No, this witness may be ex-
7 cused.

8 THE PRESIDENT: He is excused on the usual
9 terms.

10 (Whereupon, the witness was
11 excused.)

12 THE PRESIDENT: We will adjourn now until
13 half-past nine on Monday morning.

14 (Whereupon, at 1600, an adjourn-
15 ment was taken until Monday, 8 September
16 1947 at 0930.)
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